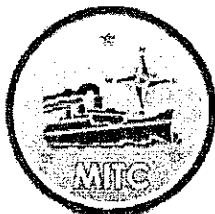
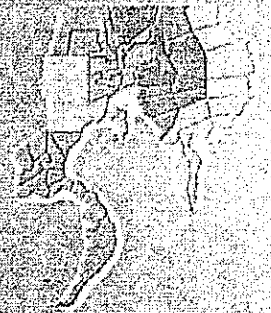
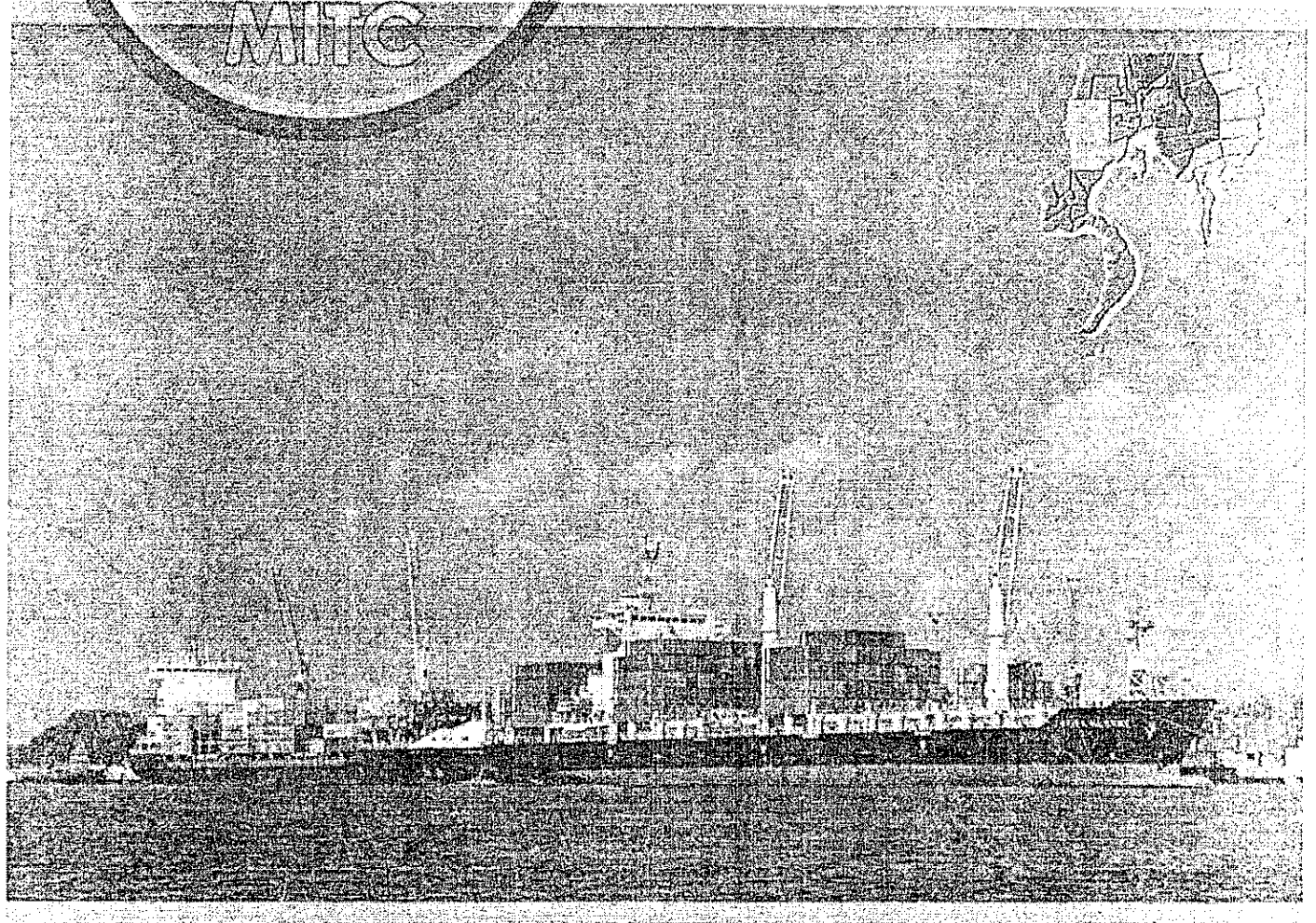


VOLUNTARY CODE OF GOOD PRACTICES ON DECENT WORK+ AGENDA

in the Maritime Industry
in Region XI



**Maritime Industry
Tripartite Council (MITC)**
Region XI



*More than Jobs!
It's decent jobs.*

DEPARTMENT OF LABOR AND EMPLOYMENT

VOLUNTARY CODE OF GOOD PRACTICES IN THE MARITIME INDUSTRY

REGION XI

1. Introduction

The Philippines as an archipelagic country explains the natural affinity of its people to the seas, either as the source of food or as means of livelihood. This is evident in 55 (out of 76 provinces) coastal provinces in the Philippines. Thus, across the archipelago one can find clusters of fisher-folks, seafarers, boat builders, shipping operators and beach resort owners/operators.

The manpower resources of the Philippines remain to be one of its pride not only in terms of absolute number but also in terms of quality and competitiveness. The great number of overseas Filipino workers helped prop up the economy through foreign exchange remittances as well as creating wealth by enhancing education and expanding entrepreneurial opportunities. The Philippines considers the maritime industry as a vital component in achieving socio-economic progress. Shipping remains the major means by which islands are linked and through which movement of goods and people is achieved. The significant role of shipping is even more emphasized in the government's objective of achieving national unity by bridging cultural values and social norms. The industry is surging high even on internal waters

with a domestic merchant fleet of 8,112 (60% of these are passenger fleets while cargo ships constitutes 28%). Majority of vessels acquired are thru importation especially on the year 2009. Investments are pouring in with the implementation of R.A. 9295 (DOT Value Added Tax Exemption on the importation of vessels and spare parts) and the availability of tax incentives under EO 226 and the Board of Investment Priorities Plan (IPP). The creation of nautical highways with RORO shipping services has a great impact in Philippine business and economy such as efficient transfer of goods, reduced transportation cost, creation of inter-island and regional links and expansion of regional markets. The Philippines is ranked 29th among the registries with 0.44% of total DWT of the world's fleet with 66 fleets accredited by MARINA (CY 2012) in pursuant to MC 181. The creation of jobs has been supported by the licensing of 121 shipyards (8 categorized as class-A, 4 others for medium sized ship and 99 yards to service smaller ship) which employs 7,926 personnel and will mean more jobs with the promotion of Malalag Vessels Lay-up Site and Maritime Industrial Park in Northern Mindanao. The Philippine contribution to global seafaring industry is visible as about 90%

of the volume trade is carried at sea and 25% of all seafarers on-board ocean going fleets are Filipinos. The employment contribution of the industry covers 1,800,465 Filipinos employed overseas. This figure represents 1,434,541 land based workers and 365,924 for sea-based workers. The consistent increase for overseas employment was due to English fluency of Filipinos and ability to work in multi-cultural environment and love for work (POEA, BIMLO/ISD: 2012)

The Filipino seafarers continue to remit billions in hard currency. At the end of 2012, it accumulated to US \$4.835 billion with an average growth rate of 14.34% (2003-2012). With steady demand for employment, 4 maritime schools are currently operating in the region with BSMT and BS Marine Engineering as its primary courses. Davao plays a strategic role in the industry and would be a major port in Mindanao in terms of transport of cargoes and port services to international shipping. As an emerging maritime centre, the Philippines can hope to generate employment opportunities for the almost half million maritime graduates and professionals.

As a key employment generator and implicit to its significance in the nation's development, the MITC was created along with the assumption that the industry's workforce also benefits from the gains of the industry in an integrated and sustainable framework that sums up the Decent Work Agenda.

With this framework, the MITC ensures that every worker is provided an opportunity to obtain a decent and productive job under conditions of freedom, equity, security and human dignity, anchored on the four pillars of rights at work, employment, social protection and social dialogue.

The Maritime Industry Tripartite Council (MITC-XI), with the leadership of Department of Labor and Employment and Maritime Industry Authority, in collaboration with labor and management, associations, maritime schools and other government agencies, is hereby instituted to address specific maritime labor and employment concerns and sets forth its commitments that balance protection of workers and concerned stakeholders in order to emulate good practices under the Voluntary Code of Good Practices on the Decent Work+ Agenda . This code promotes voluntary compliance for massive growth and sustainable development with the rest in the maritime industry in Davao Region. The functions and activities of MITC shall always be in accordance with the Department Order 111-11 and RA 10395.

2. Preamble

We, the stakeholders in the maritime industry in Davao Region, recognize the strategic role of the maritime industry in national development and the importance of tripartism as a state policy and social dialogue for sustainable economic

development in advancing the country's competitiveness in the global marketplace.

Acting on our responsibility as employers, members of the professional organizations, training institutions, workers and government, to promote the Maritime Labour Convention, 2006 (MLC 2006) and Decent Work+ Agenda in the maritime industry, both onshore and offshore, we organize ourselves as the Maritime Industry Tripartite Council (MITC) in Region XI.

We pledge to uphold the guiding principles and agree to the terms and conditions of the Voluntary Code of Good Practices on Decent Work+ Agenda and commit for sustainable development of the industry in Region XI to make our business more socially responsive.

3. Objectives

The overarching objectives of this voluntary code are the following:

- 1) To promote social partnership as a guiding principle for sustainable and beneficial worker and management relations in the industry that ensures job creation and preservation, skills enhancement, employment security, employees 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 Maritime Industry Tripartite Council (MITC-XI) in its pursuit for industrial peace, productivity, competitiveness, and compliance with labor and social standards, as well as various professional regulatory laws;

- 4) To promulgate good practice guidelines in the maritime industry and its key stakeholders relative to employment creation, conditions of work, labor and management relations, corporate social responsibility and human resource development; and

- 5) To encourage other stakeholders who are non-members of the council to voluntarily comply with this

code and make other initiatives to be visible for benchmarking.

4. Components

The following are the components of this code: conditions at work, occupational safety and health, labor and management relations, human resource development and corporate social responsibility.

5. Guiding Principles

5.1 Conditions at Work and Occupational Safety and Health,

This refers to terms and circumstances of employment that include policies, programs, standards and regulations governing workers employment status, nature of work, security, health and safety at the workplace.

1. Conditions at Work

1.1 We encourage within ourselves the culture of voluntary compliance with basic labor standards among key players in the industry, such as:

- 1.1.1 Abide with all company policies consistent with the statutes, labor laws, and other government regulations;
- 1.1.2 Promote and respect the rights of working women to ensure their health, safety and general welfare, as well as the Solo Parent Law;
- 1.1.3 Follow 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), the Guidelines in the Implementation of Drug Free Workplace Policies and Programs for the Private Sector (D.O. 53-03), Managing Tuberculosis in the Workplace (D.O. 73-05) and other appropriate national policies;
- 1.1.4 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;

1.1.5 Consider the seasonal nature of the fishing industry and in compliance with RA 8550 (Fishery Code of the Philippines), stoppage of work during off season would not mean retrenchment of regular workers, thus:

1.1.5.1 In the event of temporary work stoppage, the principle of "no work, no pay" shall apply.

1.1.5.2 In case of retrenchment, the companies shall serve notice of retrenchment to DOLE.

2. Occupational Safety and Health Standards

2.1 We promote compliance to the standards and take reasonable steps to protect all personnel as we value safety and health in the maritime industry as a critical factor in workers' productivity and for this purpose:

2.1.1 Promote the organization of safety and health committees in the workplaces/worksites in accordance with the Maritime Occupational Safety and Health Standards (MOSH) and other OSH issuances and legislations;

2.1.2 Provide occupational environment adaptive to the health and safety needs of all employees without compromising ergonomic principles and undermining the protection and prevention of

workers from emerging health conditions in workplaces;

shall be enforced in accordance with the agreement of employers and employees on how rights and duties are exercised, and how workplace relationship is enhanced.

2.1.3 Afford access to information, instruction, training and supervision necessary to enable all personnel perform their occupation;

2.1.4 Ensure protection of persons at/or near workplaces from risk to health and safety arising from the activities of maritime industry at work;and,

2.1.5 Access and availability of expert advice on OSH matters affecting the maritime industry operators, employees and contractors.

5.2 Labor and Management Relations

This is a mechanism by which the terms and conditions of employment are negotiated, and

1. We value the principles of *tripartism* and *social dialogue* and in using the mechanism of the Maritime Industry Tripartite Council (MITC-XI) to address various economic, social and labor issues affecting the industry as a whole and in identifying labor governance area that needs reform.

2. We recognize the essentiality of *Labor Management Cooperation* to the success in advancing industrial relations and shall cooperate with the Department of Labor and Employment (DOLE), National Conciliation and Mediation Board (NCMB) and other DOLE-XI attached agencies in the introduction of the concept and practice of Labor Management Cooperation (LMC) and *Single Entry Approach (SENA)* for conflict resolutions.

3. We advocate "Labor Education" as a vital tool for effective labor-management relations.

5.3 Human Resource Development

As part of the industry's commitment to the development of its human resources, each company shall be encouraged to formulate a human resource development plan that shall build and enhance the capabilities of the workers especially those initiatives and interventions related to labor productivity and employability.

1. We dedicate to develop personal and organizational skills, knowledge, and abilities to our workers in the maritime industry by provisions of career development programs, performance management and development, coaching, mentoring, succession planning, awards and recognition and other organization development trainings.

2. We actively campaign the listing of vacancies in the Phil-Jobnet and thru the Public Employment Service Office (PESO) to promote employment opportunities to the locality without tolerating any forms of prejudice and discrimination.

3. We support the establishment of manpower data base in coordination with DOLE to ensure the industry's steady pool of workers in good standing indicating the following:

3.1 Name of Worker

3.2 Nature of Work

3.3 Length of Service

3.4 Ground for Resignation and Termination

4. We uphold the implementation of a comprehensive, adequately-funded retraining and re-integration program for unemployed seafarers.

5. We value and recognize the importance of Gender and Development Programs and its implementation in providing equal opportunities to both men and women in terms of promotion career development of workers.

under Department Order No. 56-03 and its provision of family health program services as provided by Department Advisory No. 03, series of 2009, in coordination with DOLE Field Office/s.

5.4 Corporate Social Responsibility

It is a business principle and practice that delivers business long-term interests alongside the development of communities, the protection and sustainability of environment, and to contribute in the improvement of people's quality of life.

1. We devote 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 that need our assistance.

2. We promote the good practices and implementation of the *Family Welfare Program*

3. We promote social partnership and value the principle of *Big Brother and Small Brother (KAPATIRAN)* in the enforcement of labor standards while nurturing mutual growth and development of the industry.

4. We actively involve ourselves in the promotion of environmental conservation and preservation in our company premises and community.

6. 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 maritime 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 MITC member signatories.

e) This Code shall take effect immediately upon approval of the Maritime Industry Tripartite Council (MITC-XI).


7) 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 Maritime Industry Tripartite Council (MITC-XI) and Regional Tripartite Industry Peace Council (RTIPC) quarterly meetings.


The Maritime Industry Tripartite Council (MITC-XI) 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 6th day of August 2013 at Davao City, Philippines.


ATTY. JOFFREY M. SUYAO
Chair, MITC-XI/
Regional Director, DOLE-XI

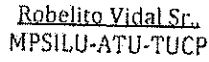
DIR. MARIANITO D. MENDOZA
Co-Chair, MITC-XI
Regional Director, MARINA

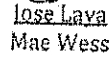

MS. ANNALIZA Y. CLAVERIA
Vice-Chair, (Mgt.)
Magsaysay Maritime Corp.

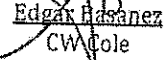

DOLORES R. ALEGARBES
Vice-Chair, (Labor)
Association of Trade Unions

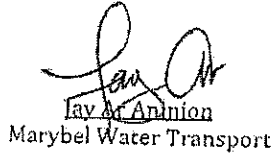
Members:

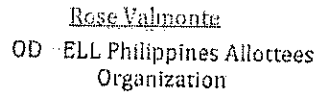
For the Labor Sector and Maritime Associations:

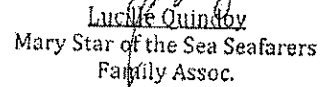

Robelito Vidal Sr.
MPSILU-ATU-TUCP


Jose Laya
Mae Wess

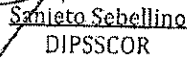

Edgar Hasanez
CW Cole

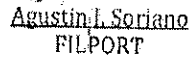

Jay A. Aninon
Marybel Water Transport

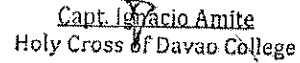

Rose Valnonte
OD-ELL Philippines Allottees
Organization

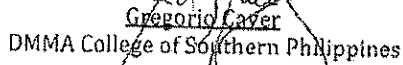

Lucille Quindoy
Mary Star of the Sea Seafarers
Family Assoc.

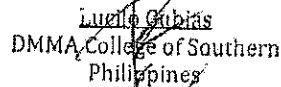
For the Management Sector:

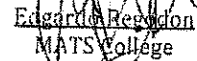

Samieto Sebellino
DIPSSCOR

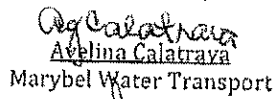

Agustin I. Soriano
FILPORT

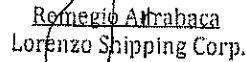

Capt. Ignacio Amite
Holy Cross of Davao College

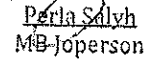

Gregorio Caver
DMMA College of Southern Philippines

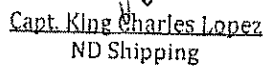

Lucilo Gubias
DMMA College of Southern
Philippines


Edgardo Resodon
MATS College

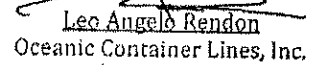

Avelina Calatrava
Marybel Water Transport

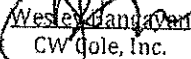

Romelio Atrahaca
Lorenzo Shipping Corp.


Perla Salyh
MB-Joperson

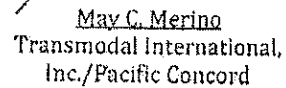

Capt. King Charles Lopez
ND Shipping

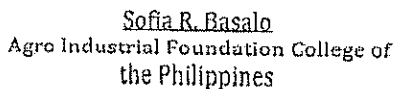

Katherine Lagura
ML Kathrin


Leo Angelo Rendon
Oceanic Container Lines, Inc.

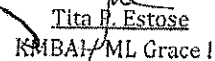

Wesley Dangan
CW Cole, Inc.


Ronald Bangayan
Maewess Company, Inc.

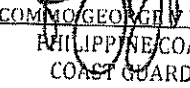

May C. Merino
Transmodal International,
Inc./Pacific Concord

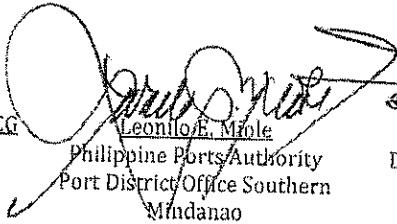

Sofia R. Basalo
Agro Industrial Foundation College of
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Carlito J. Osorio
Lorenzo Shipping Corp.

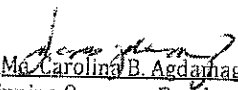

Tita B. Estose
KMBAL/ML Grace I


For the Government Sector:



COMMO GEORGE V. URSABIA JR.
PCG
PHILIPPINE COAST GUARD-
COAST GUARD DISTRICT
SOUTHEASTERN MINDANAO


Leonilo E. Mole
Philippine Ports Authority
Port District Office Southern
Mindanao


RD Francisco C. Jose, CESO III
Department of Interior and Local
Government



Ma. Carolina B. Agdang
Philippine Overseas Employment
Administration Regional Center for
Mindanao



Zenobia L. Caro
Overseas Workers Welfare
Administration



RD Caspar S. Cayana
Technical Education and Skills Dev't
Authority

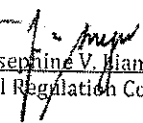
RD Arturo P. Boncato
Department of Tourism

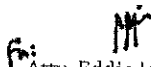

RD Abdullah E. Punama
Department of Health


Lilibeth B. Pantinople
LGU-Davao


Paciano L. Murto, Jr.
National Conciliation and Mediation
Board RB-XI


Atty. Elbert Esatauro
National Labor Relations
Commission RAB-XI


RD Josephine V. Niamzon
Professional Regulation Commission


Atty. Eddie Jara
Social Security System


Espiritu Magpatoc
OSHNET XI