

Voluntary Code of Conduct

**on the Elimination of Child Labor in the Sugar Industry
in the Mill Districts of CADPI and BSCI**

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I. Introduction

Child labor is the employment of children for a pay or without a pay, without regard for their education, health, safety or physical, moral, and mental or psychological development, and thus adversely affecting their wellbeing. Children are forced into manual labor either for their keeps or to help their family earn income. Children are those persons below eighteen years of age.

Child labor is illegal under the Philippines laws and international conventions.

The Philippine Constitution stands to “defend the right of children to assistance, including proper care and nutrition, and special protection from all forms of neglect, abuse, cruelty, exploitation and other conditions prejudicial to their development...” (Section 3, Article XV). For this, it obligates the Philippine government to “establish and maintain, a system of free public education in the elementary and high school levels....(where) elementary education is compulsory for all children of school age.” (Paragraph 2, Section 2, Article XIV). Further, children must grow with a family. So, the Constitution “recognizes the Filipino family as the foundation of the nation” and mandates to “strengthen its solidarity and actively promote its total development” (Section 1, Article XV), and recognizes the “right of the family to a family living wage and income” (Section 3, Article XV).

On these basis, the Department of Labor and Employment (DOLE) Region IV-A - Batangas Provincial Office put out this Voluntary Code of Conduct on the Elimination of Child Labor in the Sugar Industry in the Mill Districts of CADPI and BSCI.

The Code of Conduct is the result of an initiative by the stakeholders in the sugar industry in the mill districts of CADPI and BSCI covering all sugar-producing cities and municipalities in Region IV-A, CADPI and BSCI District Tripartite Councils (DTCs), SIFI, DOLE RO IV-A, ERDA, Child Fund, Sugar Planters Associations/Cooperatives and government agencies such as DepEd, DILG, DSWD and LGUs.

The Code provides guidelines for all stakeholders of the sugar industry in the Mill Districts of CADPI and BSCI to combat and eliminate the prevalence of child labor in the sugar producing cities and municipalities in Region IV-A. It also serves as framework for advocacy by the government institutions, sugarcane planters/farmers, crop inspectors, sugarcane workers, parents, educators, barangay councils/BCPC, children and communities as a whole in the withdrawal of child laborers and prevent children at-risk to become child laborers.

The Code is a voluntary commitment. It is inspired by the Philippine Constitution, the Children’s Welfare Laws, and international conventions against child labor. The formulation of this Code was guided by the following principles:

Participatory – all stakeholders arrived at a common understanding of the issue and contributed ways to address it.

Social dialogue – all stakeholders shared a common concern for the welfare of children.

Social justice – all stakeholders hold the view to provide equal opportunity to children to development.

Rights-based – all stakeholders agreed to promote and protect the rights of children to education, social protection and better living condition.

Gender sensitivity – all stakeholders recognized the vulnerability of girls in child labor and the necessity to give them due attention.

Culture sensitive– all stakeholders recognized the multiple ethnicity and cultures where these children involved in child labor come from and take into account their practices to fittingly address the issue.

Peace building / peace promoting– all stakeholders ensured not to create ethnic or social tension and discrimination but rather worked to build better communication and relations among stakeholders in the industry.

Social protection – all stakeholders recognized the interest of each in the industry and ensured these interests are respected.

Quality employment– all stakeholders recognized the dignity and value of work contributed by each in the industry and intent to reciprocate it with just compensation.

This Code was formulated from the discussions and agreements arrived at during the series of three (3) consultations involving CADPI & BSCI DTCs, DOLE RO IV-A -BPO, SIFI, DepEd, DILG & DSWD from 03 October 2012 to 12 February 2013 held at the CADPI Field Office Conference Room, Lumbangan, Nasugbu, Batangas.

This Code was adopted on 12 February 2013 in a conference attended by thirty (30) participants from the sugarcane planters, sugarcane worker's associations, contractors, millers, mill workers, SIFI, ERDA and DOLE ROIV-A - BPO at the CADPI Field Office Conference Room, Lumbangan, Nasugbu, Batangas.

II. Objectives of the Code

The objectives of this Voluntary Code of Conduct are:

1. To come up with a common understanding and concern on the Child Labor issue in the context of the sugar industry in the Mill Districts of CADPI and BSCI;
2. To enhance the participation and involvement of stakeholders in the elimination of child labor in the sugar industry in the Mill Districts of CADPI and BSCI;
3. To provide guidance and policy framework for elimination of the child labor in the sugar producing cities and municipalities in Region IV-A; and
4. To protect and promote the welfare and wellbeing of every child regardless of ethnicity, religion, economic status and gender.

This Code is a common framework for the stakeholders in the sugar industry in the Mill Districts of CADPI and BSCI, who all aim to operate within the relevant laws of the Philippines and the international labor standards.

III. Definitions

A child is every human being below the age of 18 years old, unless national laws recognize the age of majority earlier (Article 1, CRC).

Children refers to those below eighteen (18) years of age or older but are incapable of taking care of themselves ... (Paragraph "h," Section 3, RA 9262 or Anti-Violence Against Women and Their Children Act of 2004).

Children in employment are those children from 5 to below 18 years of age engaged in any economic activity for at least one hour during the reference period.

This refers to economic activities of children, covering all market production and certain types of non-market production (principally the production of goods and services for own use). It includes forms of work in both the formal and informal economy; inside and outside family settings; work for pay or profit (in cash or in kind, part-time or full-time), or as a domestic worker outside the child's own household for an employer, with or without pay.

Child labor is any work or economic activity performed by a child that subjects her/him to any form of exploitation or is harmful to her/his health, safety or physical, moral, mental or

psychological development (RA 9231 or An Act Providing For The Elimination Of The Worst Forms Of Child Labor And Affording Stronger Protection For The Working Child).

Mill District of CADPI covers the sugarcane producing areas of Calatagan, Lian, Tuy, Nasugbu and the provinces of Laguna, Quezon and Cavite.

Mill District of BSCI covers the sugar producing areas of Balayan, Calaca, Lemery, Taal, Sta. Tereista, Alitagtag, Lipa City, San Jose, Ibaan, San Nicolas, Agoncillo, Padre Garcia, Malvar, Sto. Tomas, Tanauan City, San Juan, Batangas City, Taysan, Rosario, San Luis, San Pacual and Bauan.

The differences between the normal child work and those considered as child labor:

Child Work	Child Labor
Work is appropriate to child's age and mental capabilities.	Work burdens the child; too heavy for child's age and capabilities.
Supervised by responsible and caring adults.	Child works unsupervised or supervised by abusive adults.
Limited hours of work; does not hinder the child from going to school, playing or resting.	Very long hours of work; child has limited or no time for school, play or rest.
Workplace is kept safe and child friendly, does not pose hazards to health and life of the child.	Workplace poses hazards to child's health and life.
Child's physical, emotional and mental well-being are nourished even in the work environment.	Child is subject to psychological, verbal, or physical/sexual abuse.
Child works voluntarily to participate in the family responsibility of maintaining the household.	Child is forced by circumstances or by coercive individuals to work.
Child is justly compensated materially and psychologically.	Limited or no positive rewards for the child.
Child's work is regulated by law or governed by family/ community norms and values.	Child's work is excluded from legislation, social security and benefits.
Child's work serves as vehicle for social advancement and improvement in child's quality of life.	Child's work is utilized for exploitative, subversive or clandestine operations or disguised illegal activities.

Children in child labor is a subset of *children in employment*. It includes those in worst forms of child labor and children in employment below the minimum age, excluding children in permissible light work, if applicable.

It is therefore a narrower concept than "*children in employment*," excluding all those children who are working only a few hours a week in permitted light work and those above the minimum age whose work is not classified as a worst form of child labor, "hazardous work" in particular.

Hazardous work by children is defined as any activity or occupation that, by its nature or type, has or leads to adverse effects on the child's safety, health and moral development.

Hazardous work in the sugar industry include: night work, long hours of work, work under long exposure to sun heat, work under the rain, cutting canes & cane points, carrying canes, cane loading into and unloading from the trucks, truck driver, truck helpers, carrying any loads more than a fourth of his/her body weight, working with fast rhythms, work that requires sudden and difficult/complex decision making (under the Philippine law, age of decision starts at 18 years old) , work rates which are dictated by the speed of machinery, piece-work-remuneration basis, and such others that may later be identified by the same stakeholders above or as provided by law.

Others generally considered hazardous works include exposure to physical, psychological or sexual abuse; work underground, under water, at dangerous heights or in confined spaces; work with dangerous machinery, equipment and tools, or which involves the manual handling or transport of heavy loads; and work in an unhealthy environment which may, for example, expose children to hazardous substances, agents or processes, or to temperatures, noise levels, or vibrations damaging their health.

Employer is defined under this Code to mean any individual or corporate entity who hires one or more people to work for a remuneration or compensation.

Contractor-any person or entity, including a cooperative, engaged in a legitimate contracting or subcontracting agreement providing either services, skilled workers, temporary workers, or a combination of services to a principal under a Service Agreement.

DOLE – Department of Labor and Employment. The agency is mandated to implement the minimum age for employment, and obligated to act against any employer who practices child labor as provided for by labor laws.

DSWD – Department of Social Welfare and Development. The agency is mandated to look after the welfare of women and children, or the vulnerable sectors of the population, and can take anyone to court for abuse of children, including child labor. It can provide psychosocial assistance to the victims of child labor.

DEPED– Department of Education. The agency is mandated to provide all children with basic education. It can enrol to the alternative learning system (ALS) those child laborers who missed the basic education.

DTC – District Tripartite Council. The agency is directly linked with every stakeholder in the sugar industry. Hence, it assumes the role of a frontline implementer of this Code of Conduct to eliminate child labor in it.

LGU– Local Government Unit. With the power to issue business permit and license, the LGU can obligate employers to comply with this Code of Conduct. It can cancel such business permit and license for any act of non-compliance.

BCPC – Barangay Council for the Protection of Children. Its mandate requires it to prevent child abuse, exploitation and labor in the barangay. This means, it has to undertake active monitoring of possible cases of child labor within the barangay, and linking the victims to appropriate agencies for assistance.

IV. Stakeholders' Commitments

The sugar industry in the mill districts of CADPI and BSCl intends to operate within the labor laws of the country, and to follow all the international labor regulations. It further commits to eliminate any form of child labor within the industry.

Conduct: Minimal Employment Age

Section 1: Employers shall not engage children below 15 years of age.

Section 2: Employers who intend to engage children within ages 15 to below 18 shall secure written permissions from their parents or legal guardians, and approved by the BCPC. The permission shall state that such employment shall not make said children miss or fail education, not in hazardous work as defined in this Code of Conduct, nor adversely affect their normal growth, morals, and health.

Section 3: Upon adoption of this Code, all child laborers under 15 years of age, hired formally or informally, with or without contract, should be released from their work. Their employers should provide them all separation pay and benefits according to the Labor Laws of the Philippines. Their employers shall further give them free twice yearly medical examination for a period of two (2) years, thereafter, to ensure their health are not in danger. And whenever they are found suffering from any illness contracted within the period of employment and/or after that due to vulnerability the employment created, they shall be given due free medical care by said employers.

Conduct II: No hazardous work for children

Section 1: Under no circumstances shall employers engage children in hazardous work which could cause damage to their bodies or health, mental, spiritual and social development.

Section 2: Hazardous work where children are not to engage in: night shift, beyond two (2) hours exposure to sun heat without protection, under the rain, cutting of sugarcane and sugarcane tops, carry sugarcane, loading and unloading trucks, as truck driver or helper, carry any load more than a fourth of their body weight, work dictated by the speed of machinery, work that requires sudden and difficult/complex decision making, on piece-remuneration basis, with dangerous substances (chemical and biological), in environment exceeding the concentration limit (noise, vibration, electromagnetic, ultraviolet, infrared, radioactive and other radiation), cutting of canes and cane points and others provided by law.

Section 3: Work where children (15 to below 18 years old) may engage:

Allowable work	Conditions for the engagement of children
1. Land preparation and cultivation <ul style="list-style-type: none"> ▫ Planting basal including peeling ▫ Peeling – (Pag-alisngupak/talupakngtubo ▫ Fertilizing – Pag-aabono ▫ Weeding – Gamas/Halabas ▫ PagbibilangngTaad ▫ Bagging/Pagsasako of cane points/taad 	<ul style="list-style-type: none"> ▫ Not during school days or hours for children in school ▫ To use gloves, mask, and hat. For OSY, work not more than 8 hours A DAY OR 40 HOURS A WEEK and not between 10 PM & 6 AM.
2. Ratoon <ul style="list-style-type: none"> ▫ Peeling and replanting 	<ul style="list-style-type: none"> ▫ Not during school days or hours. ▫ To use gloves, mask, and hat. For OSY, work not more than 8 hours A DAY OR 40 HOURS A WEEK and not between 10 PM & 6 AM.
3. Other labor work <ul style="list-style-type: none"> ▫ Food/water preparation ▫ Setting up of tents / housing 	<ul style="list-style-type: none"> ▫ Not during school days or hours. For OSY, work not more than 8 hours A DAY OR 40 HOURS A WEEK and not between 10 PM & 6 AM.

Section 4: Children with health conditions shall not be allowed to work in sugar plantation.

Conduct III: Work hours for children

Section 1: Children work time shall not exceed 8 hours a day. No overtime allowed. This is to give them time for play and socialization.

Section 2: Children working hours shall not take place before six (6) o'clock in the morning, and go beyond ten (10) o'clock in the evening.

Section 3: Working days for children shall not exceed five (5) days in a week or not more than 40 hours a week.

Conduct IV: Employment during school days

Section 1: Employers shall not employ children who are in school during class or school days, regular or special, to ensure they attend to their education. Employer shall put first priority to children education than work.

Section 2: Children may work only after classes but within the working hours specified in this Code.

Conduct V: Remuneration, benefits and privileges

Section 1: Children shall receive an equivalent pay, benefits and privileges (SSS) for workers in the same level and type of work as provided for by the prevailing wage order in the Region.

In work related injuries and sickness, the employer shall be responsible for the medical expense of his/her employee.

Conduct VI: Hiring of Migratory Sugar Workers (MSW) by Planters/ Contractors during Milling Season

Section 1: Department Order No.7, Series of 1976 (Planters directly hiring MSW)

The Planters shall be the direct employers of the MSWs from point of origin until the end of the milling season. They should not hire MSWs below 18 years of age.

Section 2: Department Order 18-A, Series of 2011 (Contracting, Sub-contracting arrangement)

The contractors shall be identified as the direct employer of the MSWs from the date of recruitment at the point of origin until the end of the milling season. They should not hire MSWs below 18 years of age.

Section 3: Both the planters (DO 7) and contractors (DO 18-A) shall secure from DOLE a certification that they are authorized to recruit MSWs for transport and direct employment.

Section 4: Both the planters (DO 7) and contractors (DO 18-A) shall submit the list of all migratory workers to DOLE RO IV-A – BPO upon arrival in Batangas.

Section 5: Both the planters (DO 7) and the contractors (DO 18-A) shall be responsible for the membership of their MSWs to SSS & Philhealth. (Documents to be requested- Birth Certificate or Baptismal Certificate or Barangay Clearance).

Section 6: In case of violation, both contractor and their planters shall be held liable under Articles 106 to 109 of the Labor Code of the Philippines, as amended.

Conduct VII: Conducive Social Environment

Section 1: Employers shall create a safe and healthy working environment for children employees.

Section 2: Employers shall not force children to work for whatever reason.

Section 3: Employers shall ensure no obscene words and gestures against or in the presence of children employees within the workplace.

Section 4: Employers shall not discriminate at work on the basis of age, ethnicity, dialect, religion, social status, gender, or expressed opinion, including those affected with HIV/AIDS.

Section 5: Employers shall not allow exploitation, physical or sexual abuse, and those acts considered violation of RA 9262 or Anti-Violence Against Women and Their Children Act of 2004.

V. References

The *Voluntary Code of Conduct on the Elimination of Child Labor in the Sugar Industry in the mill districts of CADPI & BSCI* is based on the existing laws of the Philippines and the international Conventions on Labor and Children.

Relevant Philippine Laws:

1. The Philippine 1987 Constitution
2. The Labor Code of the Philippines, as amended
3. The Barangay Council for the Protection of Children
4. Republic Act No. 9231 of December 19, 2003 or An Act Providing For The Elimination Of The Worst Forms Of Child Labor And Affording Stronger Protection For The Working Child
5. Republic Act No. 9262 of March 08, 2004 or the Anti-Violence Against Women And Their Children Act
6. The Revised Penal Code

Applicable International Treaties:

1. U.N. Convention on the Rights of the Child
2. ILO Convention No. 138 (1973) on the Minimum Age
3. ILO Convention No. 182 (1999) on the Worst Forms of Child Labor and Immediate Action on its Elimination
4. ILO Convention No. 184 (2001) on Safety and Health in Agriculture

To facilitate reference to Barangay Justice System and the Protection of Children, the BCPC have the following functions:

- *To foster education of every child in the barangay; (To ensure that every child in the barangay acquires at least an elementary education);*
- *To encourage the proper performance of the duties of parents and provide learning opportunities on the adequate rearing of children and positive parent-child relationship;*
- *To report all cases of child abuse to the proper authorities;*
- *To protect and assist abandoned, maltreated and abused children and facilitate their cases filed against child abusers;*
- *To prevent child labor in their area and protect working children from abuse and exploitation;*
- *To take steps to prevent juvenile delinquency and to assist children with behavioural problems so that they can get expert advice;*
- *To adopt measures to promote the health and nutrition of children;*
- *To promote the opening and maintenance of playgrounds and day care centers and other services that are necessary for child and youth welfare;*
- *To secure the cooperation of organizations devoted to the welfare of children and coordinate their activities;*
- *To promote wholesome entertainment in the community especially in movie houses;*
- *To assists parents whenever necessary in securing expert guidance counselling from the proper governmental or private welfare agencies;*
- *To advocate for the passage of child-friendly barangay ordinances in response to child-related issues and concerns;*
- *To prepare the barangay plans of action for children which address the needs of children in the community and ensure their integration into the Barangay Development Plan and implementation by the barangay; and*
- *To submit quarterly barangay accomplishment reports on the implementation of the plan to the MBCWC.*

VI. Implementation and Monitoring

The ***Voluntary Code of Conduct on the Elimination of Child Labor in the Sugar Industry in the mill districts of CADPI&BSCI*** is a policy enactment to guide all the stakeholders.

The District Tripartite Council shall communicate this Code of Conduct to every sugar industry stakeholder, down to the planters' level who regularly require laborer/s in

their production activities through the assistance of the MDDC, sugar mills, planters associations, coops, LGUs and barangay officials. It shall also become the monitoring authority to ensure the Code is respected by stakeholders.

For the dissemination of the Code the following shall have the following assignments with their target audience:

MDDFI - through the integration of the Code in their regular trainings. It shall target the unaffiliated planters.

Planters Associations/Coops - disseminate the Code to their members.

Sugar Mills - disseminate the Code to individual planters during Planters Day.

Dep Ed - disseminate the Code to parents during PTA meetings & inclusion in learning materials.

DILG - disseminate and instruct Brgy. Captains to popularize the Code in their barangays through the BCPC.

DOLE - disseminate the Code to contractors and employers and coordinate the efforts of the information campaign.

Field monitors for this Code will include the *Crop Inspectors*, the *BCPC* and all other stakeholders.

The DTC shall partner with the BCPC in the effective dissemination of this Code down to the family level in each barangay covered by the sugar industry.

A Child Labor Monitoring mechanism shall be installed in each community to strengthen the implementation of this Code.

VII. Final Provisions

Conduct VIII. Withdrawal of child laborers

Section 1: Employers shall release all their child laborers under 15 years of age, without prejudice to the provisions of this Code protecting their welfare. They shall turn them over to the DSWD for appropriate assistance.

Section 2: Child laborers within 15 to below 18 years of age may be withdrawn anytime upon recommendations of parents, BCPC, employers, the DTC or any concerned stakeholder, whenever said children show signs of physical or psychological illnesses, abuse trauma, and the violations of the conditions of work

for children under this Code. Their employers are liable for acts of abuse under relevant penal measures of applicable laws.

Section 3: Withdrawn child laborers shall be referred to DSWD for appropriate counselling, livelihood support, and enrolment of their families in the Conditional Cash Transfer Program of the DSWD. Other social partners may be involved in the rehabilitation of withdrawn child laborers.

Conduct IX: Roles of Government Agencies

Section 1: Role of the LGU

The LGU shall:

1. Through the barangay officials, identify and maintain a list of all planters and contractors in their locality;
2. Maintain a list of children ages 15 to below 18 who are employed; and
3. Cancel business permit and license for any act of non-compliance to the Code.

Section 2: Role of the DILG

The DILG shall oversee the organization and monitor the functionality of the Local Council for the Protection of Children (LCPC), the Provincial Council for the Protection of Children (PCPC), the Municipal Council for the Protection of Children (MCPC) and the Barangay Council for the Protection of Children (BCPC), and ensure the integration of child-related programs, projects and activities in the Annual Investment Plan of the LGUs.

Section 3: Role of the DSWD

The DSWD shall:

1. Implement rehabilitative and protective programs for child laborers;
2. Provide protection to victims of child labor through active participation in rescue operations;
3. Ensure placement of victims under protective custody of local DSWD or social welfare offices in DSWD Centers and institutions and/or licensed NGOs;
4. Provide counselling, psychological interventions and temporary shelter to child laborers;
5. Register and provide technical assistance in the accreditation of NGOs for purposes of establishing centers and programs for intervention in the community;
6. Provide livelihood support and enrolment of families to Conditional Cash Transfer Program; and
7. Conduct orientation on RA 9231 and other related laws on children among social welfare officers at the provincial and municipal levels.

Section 4: Role of the DepEd

The Dep Ed shall:

1. Provide alternative learning system (ALS) educational assistance to child laborers;
2. Provide non-formal education services and strategies for parents of child laborers;
3. Determine the education needs of child laborers and their parents;
4. Provide appropriate interventions such as specialized tutorial classes or any other learning mode to child laborers and their parents;
5. Provide post literacy and continuing education program;
6. Extend assistance for the return of child laborers to school and monitor the progress of their education;
7. Integrate child labor component in Regional Program on Education For All (EFA); and
8. Conduct orientation on RA 9231 and other related laws on children to all teachers at all levels

Section 5: Role of the DOLE

The DOLE shall:

1. Lead the PPACL implementation, monitoring and evaluation in the region;
2. Lead in the conduct of SBMQAT rescue operations and allocate funds for rescue operations at the provincial and municipal levels;
3. Ensure compliance with the rules and guidelines relative to employment of children;
4. Provide the overall coordination of programs, projects and activities on child labor;
5. Promote expansion of alliance towards extension of protection to working children, banning employment of children in hazardous and dangerous occupations
6. Provide viable economic alternatives or livelihood projects to families of child laborers;
7. Develop information, education and communication materials against child labor in cooperation concerned agencies and institutions.

Conduct X: Non-compliance to the Code of Conduct

Section 1: Non-compliance of any provision of this Code of Conduct represents a violation of pertinent laws of the Philippines. It carries appropriate penal measures under the same laws. The DTC may seek relief from appropriate agencies in case non-compliance continues. These agencies may include the DOLE, the Katarungang Pambarangay, the Court of Justice, and the DSWD. Cases relating to RA 9262 or the VAWC law, the DTC is under obligation to file action with the Court of Justice covering the area where said cases happened.



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DEPARTMENT OF LABOR AND EMPLOYMENT
Regional Office No. IV-A CALABARZON

Reports of non-compliance shall be directed to the DOLE Provincial Office in jurisdiction on the place where the violation was committed. The agency shall then investigate and call the attention of concerned employers to apply corrective actions.

Section 3: All concerned stakeholders are obligated to report to the proper authorities any observed non-compliance of this Code of Conduct. Non-reporting constitutes participation in such act of non-compliance.

Section 4: The BCPC shall actively monitor incidence of child labor and act for the welfare of children.



Primary Conduct Code

Child Labor in the Sugar Industry
Mill Districts of C.A.P. and BSCI

This Voluntary Code of Conduct is a common framework for the stakeholders in the sugar industry, in the Mill Districts of CAPD and BSCI, who all aim to eliminate child labor and to operate within the relevant laws of the Philippines and the international labour standards.

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We fully support and will cooperate in the implementation of the Code in BSCI and CADP Mill Districts