

Republic of the Philippines
DEPARTMENT OF LABOR AND EMPLOYMENT
 Intramuros, Manila

DEPARTMENT OF LABOR AND EMPLOYMENT	
Administrative Services Division	
DATE:	10 MAR 2011
TIME:	10:40
RECEIVED BY:	Arj

DEPARTMENT ORDER NO. III-11
 Series of 2011

**GUIDELINES IN THE CREATION AND INSTITUTIONALIZATION OF
 COORDINATION AMONG NATIONAL, REGIONAL AND LOCAL
 TRIPARTITE INDUSTRIAL PEACE COUNCILS AND/OR INDUSTRY
 TRIPARTITE COUNCILS**

Pursuant to Executive Order No. 49-98¹, authorizing the creation of tripartite industrial peace councils or industry tripartite councils, the following guidelines are hereby issued:

Section 1. COVERAGE. These guidelines shall apply to all Tripartite Industrial Peace Councils (TIPCs) and Industry Tripartite Councils (ITCs) created in the national, regional and local levels.

Section 2. POLICY. The creation of TIPCs and ITCs is pursuant to the mandate of Article 275 of the Labor Code, as amended, and the Government commitment under ILO Convention No. 144, to institutionalize tripartism by providing for 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, attaining industrial peace, and improving productivity.

Section 3. STRUCTURE.

- a) *Relationship between National Tripartite Industrial Peace Council (NTIPC) and Regional Tripartite Councils (RTIPCs) and/or Industry Tripartite Councils (ITCs).* - All RTIPCs and their subcommittees and all ITCs, whether national, regional or local, shall henceforth be integrated as part of the organizational structure of the NTIPC.
- b) *Relationship between RTIPC and regional/local ITCs.* - Considering that Executive Order No. 25-92² authorizes the creation of TIPCs down to the regional level only, all existing municipal, city and provincial TIPCs shall henceforth be deemed as area-wide or local sub-committees of the regional TIPCs.

In cases where the establishment of an ITC is appropriate in the regional or local level, such ITC shall likewise be a sub-committee of the RTIPC.

¹ Executive Order No. 49, Series of 1998, Amending Executive Order No. 383, s. 1996, for the Purpose of Reconstituting and Expanding the Membership of the Tripartite Industrial Peace Council.

² Executive Order No. 25, Series of 1992, Amending Executive Order No. 403 and Further Strengthening the Tripartite Industrial Peace Council.

- c) Organizational Structure. The organizational structure of the TIPC is attached as Annex "A" of this issuance.

Section 4. COMPOSITION.

- a) National TIPC. The NTIPC constituted pursuant to the provisions of Executive Order No. 49-98, with the Secretary of Labor and Employment as Chairperson and with twenty (20) representatives each from the labor and employer's sectors, shall be observed unless reconstituted and/or expanded by law or executive issuance, in which case, the provisions of the latter law or issuance shall govern.
- b) National ITC. In all cases, a national ITC shall be chaired by an Undersecretary of the Department of Labor and Employment and shall be composed of such number of workers and employer's representatives as the needs of the industry may warrant, provided however, that there shall be an equal number of representatives each from the workers' and employers' sectors. Such representatives may be members of the NTIPC at the same time, but in every case must come from the most representative workers and employers' organizations within the industry observing **TIPC Resolution No. 3-D, Series of 2010, dated 14 September 2010**, which provides that:

"xxx labor in the enumerated priority industries may not be organized or may not have the "most representative status" to represent the sector in the Industry Tripartite Councils to be created, strengthened and/or reactivated thus, a registered "most representative" labor federation in the industry shall represent the workers either in the national or regional level, and in its absence, the following order of preference for labor representative shall be observed: (1) registered "most representative" workers' union may represent the workers in the industry; (2) federations with most substantial membership in the industry; (3) specific union may be considered; and (4) workers representative of the regional Philippine League of Labor-Management Cooperation Practitioners Inc. (PHILAMCOP) as endorsed by the labor representatives in the TIPC;

xxx in industries where employers are not ECOP members, associations with 'most representative' or substantial membership in the industry may represent the employers' sector."

The Chairperson shall, in all cases, ensure that the government agency or agencies directly concerned with the industry be represented in the national ITC.

- c) Regional TIPC/ITC. Consistent with Executive Order No. 25-92, each RTIPC shall be chaired by the Regional Director, with an equal number of representatives each from the workers' and employers' sectors.

The representatives from each of the workers and employers' sectors must be duly authorized by and exclusively identified with the most representative organization of the sector concerned. Each sectoral representative shall continuously serve as such so long as he/she remains with his/her respective

sector, or until his/her resignation or replacement. The Regional Director may call upon representatives of other government agencies from time to time as circumstances may warrant.

Where the Regional Director deems it necessary to establish an ITC or an RTIPC sub-committee, the structure of such ITC or sub-committee should, as far as practicable, replicate the regional structure. The Regional Director, through the Provincial or District head, shall chair the regional ITC and/or the subcommittee, and consistent with the principle of respecting local autonomy, the governor or mayor, in the local government unit concerned, may co-chair the provincial/city/municipal TIPC or ITC.

Industry tripartite councils (ITCs) constituted under the foregoing paragraph shall be composed of regional or local industry representatives, and shall include representatives of government agencies directly involved with the specific industry. The industry representatives shall be nominated by or selected from the most representative workers' and employers' organizations in the region or locality concerned. Where there are no workers or employers' organizations within a given locality, the provisions of *TIPC Resolution No. 3-D, Series of 2010, dated 14 September 2010*, as stated, shall be observed taking into consideration regional or local conditions.

Section 5. FUNCTIONS. Consistent with the policy laid down in Section 2 hereof, all tripartite councils whether national, regional, local or industry-based, shall serve primarily as a forum for tripartite advisement and consultation among labor, employer and government sectors in the formulation and implementation of labor and social policies.

For this purpose, all tripartite councils shall have the following specific functions/objectives:

- a) To serve as an information network specifically on labor relations issues and industry configurations in the appropriate level;
- b) To monitor compliance with sectoral commitments as embodied in national, regional, local or industry tripartite accords;
- c) To ensure the implementation of the action plan relative to the Philippine Decent Work Common Agenda;
- d) To assist the concerned agencies in the identification of industries or establishments with potentials for growth, as well as industries and establishments which are likely to experience labor disputes or in need of appropriate responses with respect to industry-specific concerns;
- e) To lend support to DOLE agencies in the resolution of industrial disputes;

- f) To undertake project toward the formulation of tripartite views, policy and program proposals, legislative proposals, and appropriate recommendations on labor, economic and social concerns for submission to concerned agencies;
- g) To coordinate with and render technical assistance/advice to the appropriate agencies or councils in matters relating to labor and employment;
- h) To promote the active participation of workers and employers in policy formulation and development; and
- i) To perform such other functions as may be required by the Secretary of Labor and Employment or by law.

Section 6. RULES AND MEETINGS. The NTIPC shall adopt its own action plan and operational rules and shall meet regularly in plenary at least every quarter, without prejudice to such other special plenary meetings which any of the sectors may initiate or such other meetings to be called by the Tripartite Executive Committee (TEC) or the appropriate committees.

The National ITCs and RTIPCs shall implement the NTIPC Action Plan and adopt operational rules of its own ensuring however that meetings are conducted regularly.

Section 7. PROGRAM DEVELOPMENT / COORDINATION. Without prejudice to inter-agency collaboration as the Secretary of Labor and Employment may determine, the Bureau of Labor Relations (BLR) shall be responsible for the development of policies and programs and shall act as the technical and coordinating office relative to all activities of tripartite councils established pursuant to the foregoing provisions. The BLR shall also provide the regional offices such administrative support as may be needed to ensure the integration of regional and national concerns.

Implementation of programs and projects at the regional level, however, shall be devolved to the Technical Support Services Divisions in the regional offices and/or field offices, as may be deemed appropriate by the Regional Director. For purposes of integration, the BLR shall develop such monitoring and reporting forms as are necessary for the regional offices.

Section 8. FUNDING. Funding of all TIPC and ITCs shall be sourced from the regular budget of the DOLE.


Honorarium or per diem shall be provided to regular TIPC/ITC and TEC members for every consultation/meeting attended.

Section 9. PERIODIC REPORTS. The Chairperson, in behalf of the NTIPC, shall submit periodic reports of its activities to the President. The committees or sub-committees of the TIPC, including members holding sectoral posts, shall likewise submit, through the BLR, periodic reports to the Chairperson.

Section 10. REPEALING CLAUSE. Department Order No. 8, Series of 1995, and all rules and administrative issuances inconsistent herewith are hereby repealed.

Section 11. EFFECTIVITY. This Department Order shall take effect immediately.

Manila, Philippines, 20 February 2011.


ROSALINDA DIMAPILIS-BALDOZ
Secretary

TIPC FUNCTIONAL STRUCTURE

