

TRIPARTITE INDUSTRIAL PEACE COUNCIL

RESOLUTION No. 3

Series of 2011

"Constituting a Subcommittee in the RTIPCs as Regional Monitoring Body on the Application and Implementation of International Labor Standards, in particular ILO Convention No. 87 on the Freedom of Association and Protection of the Right to Organize"

WHEREAS, the TIPC recognizes the need to create a structure for the TIPC-Monitoring Body to ensure that the application and implementation of International Labor Standards in the regions are monitored and the complaints presented before it are immediately acted upon;

WHEREAS, the workers and employers during the *Seminar on Freedom of Association, Civil Liberties, Labor Laws and the Issue of Impunity* in Davao propose to utilize the Regional Tripartite Councils as a venue to address allegations of threats, intimidations and harassments of trade unionists;

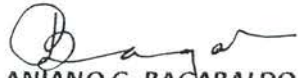
WHEREAS, to facilitate speedy monitoring and processing of complaints, the Regional Tripartite Industrial Peace Councils (RTIPCs), duly constituted through Executive Order No. 25, Series of 1990, as amended, shall constitute a Monitoring Subcommittee which shall be supervised by and shall report directly to the National TIPC; and

WHEREAS, in monitoring and processing of complaints, the RTIPC Monitoring Body Subcommittee shall convene a regional inter-agency small group to act on a particular ILO case/complaint involving allegation of violation of ILO Convention No. 87 and 98 to gather relevant information, including comments from the social partners, and prepare Case/Complaint Profiles to be submitted to the NTIPC Monitoring Body.

NOW THEREFORE, BE IT RESOLVED, AS WE HEREBY RESOLVE, to direct the RTIPCs, through an issuance by the DOLE Secretary as NTIPC Chairperson, to create Subcommittees as Regional Monitoring Body that shall operate in accordance with the applicable provisions of the *Operational Guidelines of the TIPC-Monitoring Body*, herein attached as Annex "A" and made an integral part of this Resolution.

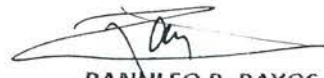
Approved this 18th day of May 2011, in Occupational Safety and Health Center, North Ave., Diliman, Quezon City, Philippines.

EMPLOYERS' SECTOR



ANIANO G. BAGABALDO

Employers Confederation of the Philippines



RANULFO P. PAYOS

Employers Confederation of the Philippines



RENE E. CRISTOBAL

Employers Confederation of the Philippines



EDUARDO T. RONDAIN

Employers Confederation of the Philippines



DONALD G. DEE

Employers Confederation of the Philippines



RENE Y. SORIANO

Employers Confederation of the Philippines



VICENTE LEOGARDO JR.

Employers Confederation of the Philippines



MIGUEL B. VARELA

Employers Confederation of the Philippines



ERNESTO O. CECILIA

Employers Confederation of the Philippines



MANOLITO P. MADRASTO

Employers Confederation of the Philippines



SERGIO R. ORTIZ-LUIS, JR.

Employers Confederation of the Philippines



EDGARDO G. LACSON

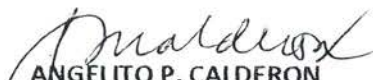
Employers Confederation of the Philippines



ANCHETA K. TAN

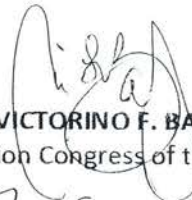
Employers Confederation of the Philippines

LABOR SECTOR



ANGELITO P. CALDERON

Alliance of Filipino Workers



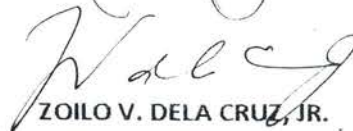
VICTORINO F. BALAIS

Trade Union Congress of the Philippines



DANIEL L. EDRALIN


Alliance of Progressive Labor




ZOILO V. DELA CRUZ, JR.


Trade Union Congress of the Philippines

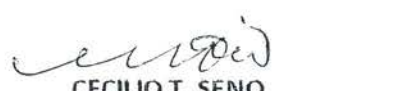

ALLAN S. MONTAÑO
Federation of Free Workers



ANTONIO C. ASPER
Federation of Free Workers

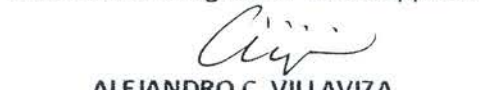

BENJAMIN C. ALAR
National Confederation of Labor


PEDRO T. DE QUIROZ
Pambansang Diwa ng Manggagawang Pilipino


VLADIMIR R. TUPAZ
Trade Unions of the Phils. & Allied Services


CECILIO T. SENO
Trade Union Congress of the Philippines


GILBERT P. LORENZO
Trade Union Congress of the Philippines


ALEJANDRO C. VILLAVIZA
Trade Union Congress of the Philippines

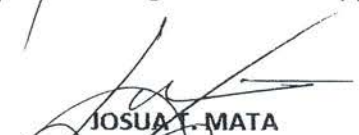

ESPERANZA S. OCAMPO
Trade Union Congress of the Philippines

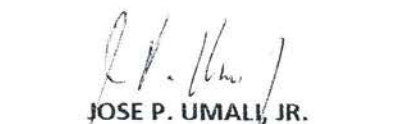

JESUS B. VILLAMOR
Trade Union Congress of the Philippines

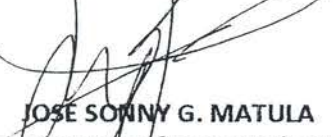
NEW APPOINTEES



ERNESTO F. HERRERA
Trade Union Congress of the Philippines


GERARD R. SENO
Trade Union Congress of the Philippines


JOSUA T. MATA
Alliance of Progressive Labor


JOSE P. UMALI, JR.
National Union of Bank Employees


JOSE SONNY G. MATULA
Federation of Free Workers


NORBERTO M. ALENSUELA, SR.
Pambansang Diwa ng Manggagawang Pilipino


GREGORIO C. DEL PRADO
Alliance of Independent Hotel and Restaurant Workers Union

OTHER INVITEES



ROMEO R. ARICA

Trade Unions of the Philippines and Allied
Services



FLEUR-DE-LIS NADUA

Philippine Chamber of Commerce and Industry

ELAINE CHONG

Federation of Filipino Chinese Chamber of
Commerce and Industry, Inc.

GOVERNMENT SECTOR



ROSALINDA DIMAPILIS-BALDOZ

Secretary
Department of Labor and Employment

OPERATIONAL GUIDELINES OF THE TIPC-MONITORING BODY

A. Docketing of ILO Cases/Complaints

1. Upon receipt of the ILO Communications relating to ILO cases/complaints by the DOLE-Office of the Secretary, the Secretary issues an instruction to the DOLE Labor Relations Cluster Head for appropriate action.
2. The Labor Relations Cluster Head instructs the DOLE-International Labor Affairs Bureau to docket and furnish employers' and workers' organizations, parties to the case/complaint, and concerned government agencies with copies of the case/complaint within two (2) working days. The DOLE-ILAB consolidates the comments on the complaint, if there are any, from the employers' organization, workers' organizations and parties to the case/complaint.

B. Case/Complaint Profiling

3. The Bureau of Labor Relations (BLR) convenes an inter-agency small group meeting concerning the said ILO case/complaint (DOLE-Legal Service, BLR, ILAB, NCMB, NLRC; DOJ Task Force 211; PNP Task Force Usig; CHR) to gather relevant information, including comments from the social partners.
4. The BLR prepares the Case/Complaint Profiles and, as TIPC-Monitoring Body Secretariat, convenes the TIPC-Tripartite Executive Committee to evaluate/review the ILO cases/complaints (pending/active and new) using as guidance the ILO criteria on the admissibility of cases/complaints:
 - a) The alleged facts, if proved, would not constitute an infringement of the exercise of trade union rights; or
 - b) That the allegations made are so basically or obviously political in character that it is undesirable to pursue the matter further; or
 - c) That the allegations made are too vague to permit a consideration of the case on its merits; or
 - d) That the complainant has not offered sufficient evidence to justify the allegations on the matter.
5. In cases/complaints involving violations of employers' rights under applicable Conventions, the same criteria shall be observed.

C. Case Evaluation/Recommendation and Convening of the TIPC-Monitoring Body

6. Based on the evaluation, the TIPC-TEC prepares the case/complaint report and recommendations and submits the same to the TIPC-Monitoring Body. The BLR, as Secretariat, convenes the TIPC-Monitoring Body guided by the following:

6.1 Notice and Schedule of Meetings

- a) A written notice of meeting containing the proposed agenda and accompanied by the pertinent discussion materials and the minutes of the previous meeting shall be sent to the members of the TIPC or TEC at least one week before a scheduled meeting.
- b) In special meetings initiated by either sector, the party requesting for the meeting shall be responsible for transmitting to the Secretariat at least 10 days before the scheduled meeting all materials and documents relevant to the agenda of the special meeting.
- c) Report on Case Monitoring is a regular 2nd item in the Agenda of the TIPC Semestral Meeting and a 2nd item in the Agenda of the TEC Monthly Meeting.

6.2 Quorum

The presence of one government representative with authority to preside over a meeting, one representative from the employers' organization, and any three representatives from the workers' organizations with regular members in the TIPC, shall be necessary to constitute a quorum and in conducting business for both the TIPC and TEC, provided all members have been notified in writing.

D. Deliberation, Adoption and Submission of Tripartite Observation

7. The TIPC-Monitoring Body reviews the TIPC-TEC Report and Recommendation for approval by the Council through consensus. The following shall govern the resolution of issues:
- a) Consensus for this purpose shall mean the agreement of all organizations/sectors represented.
 - b) Dissent from any member within an organization/sector shall not prevent a consensus if majority of the other members of that organization/sector agree on a particular proposal to resolve an issue. Consensus arrived at

by members present shall bind those who are absent but who were properly notified of the date, venue and agenda of the meeting.

- c) In the absence of a consensus, the issue/concern shall be automatically elevated to the Secretary of Labor, for decision.
 - d) Written resolutions must be signed by all members present. Members who are absent but were otherwise notified shall be bound by the resolution. For the purpose of signing resolutions, no proxies shall be allowed.
8. The Secretary of Labor approves and submits the Resolution to the ILO, copy furnished the ILO Office Manila and the Philippine Overseas Labor Office-Geneva.