

# TRIPARTITE INDUSTRIAL PEACE COUNCIL

## RESOLUTION NO. 8

*Series of 2011*

### *"Reaffirming the Proposed Denunciation of ILO Convention No. 89"*

**WHEREAS**, the TIPC composed of representatives from the organized workers, employers and government constituted pursuant to Executive Order No. 49, dated 09 December 1998, as amended, is the clearinghouse for recommendations for ratification or denunciation of International Labour Organization (ILO) Conventions;

**WHEREAS**, the Philippine government has been a signatory to ILO Convention No. 89, concerning Night Work (Women) Convention (Revised), for more than 50 years following its ratification on 29 December 1953;

**WHEREAS**, the protective measures under ILO Convention No. 89 have been argued as inhibiting equal opportunity and treatment for women in employment and of little relevance to the changing times;

**WHEREAS**, ILO Convention No. 89 is the most widely denounced ILO instrument by member states, taking into account the growing recognition and acceptance of the principle of equality between men and women and the adoption of Convention 171, a revised Convention on Night Work;

**WHEREAS**, the TIPC had earlier taken on discussions towards the denunciation of ILO Convention No. 89 resulting in a Resolution dated 14 November 2005 and that it now reiterates its views and observation that the protective provisions under ILO Convention No. 89 are prejudicial to women's employment and career opportunities; considering that:

1. The *1987 Philippine Constitution* provides that the State shall promote full employment and equality of employment opportunities for all and that no person shall be denied the equal protection of the laws, and ILO Convention No. 89 is inconsistent thereto;
2. The Philippine government has ratified the *UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)* in 1981, which obligates the State to undertake measures to eliminate discrimination, such as the incorporation of gender equality principles in the legal system, repeal of all discriminatory laws and the passage of those that prohibit discrimination;

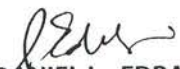
3. The Philippines has ratified ILO Convention No. 111 which prohibits discrimination in employment and opportunity;
4. The Philippine Government had also ratified the CEDAW, passed in August 14, 2009 Republic Act 9710 (*An Act Providing for the Magna Carta of Women*), which identified the amendment or repeal of Article 130 of Labor Code on night work prohibition of women; and
5. Republic Act No. 10151 (*An Act Allowing the Employment of Night Workers, Thereby Repealing Articles 130 and 131 of Presidential Decree Number Four Hundred Forty-Two, As Amended, Otherwise Known as the Labor Code of the Philippines*), which totally lifted the prohibition of night work for women as contained in Articles 130-131 of the Labor Code, was signed into law on June 21, 2011 by President Benigno Simeon C. Aquino III.

**NOW THEREFORE, BE IT RESOLVED, AS WE HEREBY RESOLVE:**

- 1) To recommend the formal denunciation of ILO Convention No. 89; and
- 2) To start the process of ratification in preparation for ratifying Convention 171.

Approved this 14<sup>th</sup> day of November 2011, at the Occupational Safety and Health Center, Diliman, Quezon City.

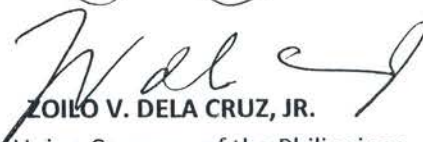
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**DANIEL L. EDRALIN**  
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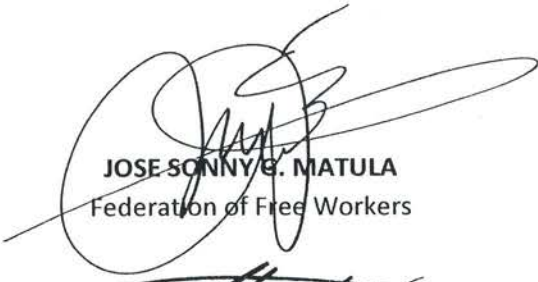
  
**JOSUA T. MATA**  
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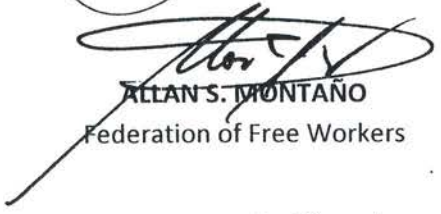
  
**VICTORINO F. BALAIS**  
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Trade Union Congress of the Philippines

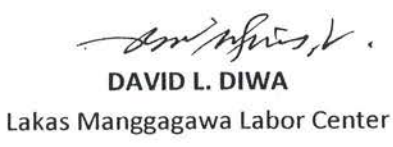
  
**ERNESTO F. HERRERA**  
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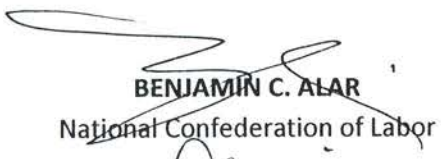
**JOSE SONNY G. MATULA**  
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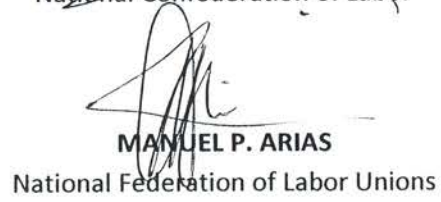
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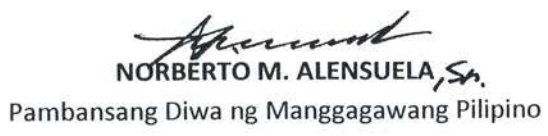
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**MANUEL P. ARIAS**  
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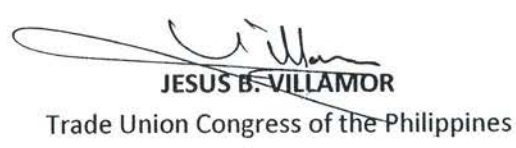
**ESPERANZA S. OCAMPO**  
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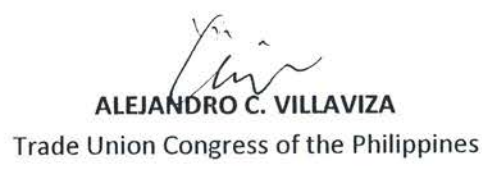
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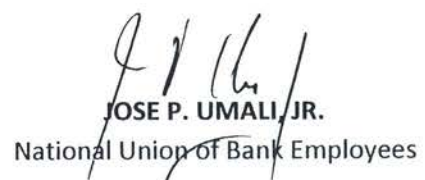
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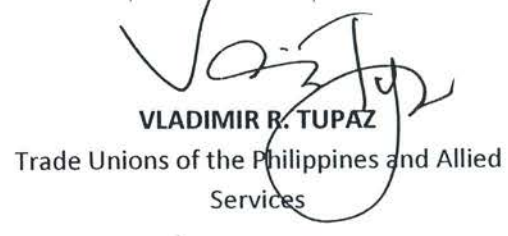
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**ALEJANDRO C. VILLAVIZA**  
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**JOSE P. UMALI, JR.**  
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**VLADIMIR R. TUPAZ**  
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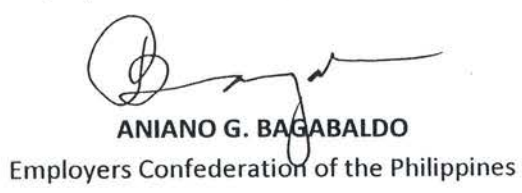
**EMPLOYERS' SECTOR**



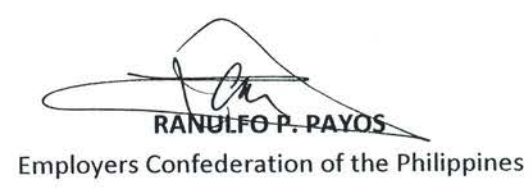
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Employers Confederation of the Philippines



**SERGIO R. ORTIZ-LUIS, JR.**  
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**ANIANO G. BAGABALDO**  
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**SECRETARY ROSALINDA D. MAPILIS-BALDOZ**

Department of Labor and Employment