

Rationale :

The function of regulating employment relations between workers and management has been the mandate of the Department of Labor and Employment through the years, and in the pursuit thereof, the Department has exercised its inherent quasi-judicial functions to insure compliance by the sectors with existing labor standards, rules and regulations. However, new approaches had emerged which will further enhance cooperation between the social partners through empowerment by encouraging them to address and resolve issues and concerns of their industry through social dialogue. In the process, minimize government intervention in the internal affairs of the industry to allow growth and provide employment opportunities. Government intervention has often stifled rather than allow growth of the business sector.

The 22-point agenda of the present administration hopes to provide new width in confronting setbacks in industries. Programs and deliverables of the Department are refined, endorsing tripartism or social partnership and encourage self-sufficiency.

Putting these into action, the Voluntary Code of Good Practices envisions to improve processes and approaches on labor and management relations by repositioning both management and labor to proactively promote its respective interests. It revisits corporate and social responsibilities of stakeholders, accountability on the part of labor and management, and set the standards of engagement.

It is in this context that the Voluntary Code of Good Practices came into being.

Declaration:

We, the undersigned stakeholders of the Banana companies of Region 10, hereby bind ourselves faithfully to the agreements entered by the Banana Industry Tripartite Council (BITC) and hereby declare our unwavering support to the advancement of the companies and the workers. We further signify our commitment to the following undertakings to ensure that all stakeholders will equitably take advantage of the fruits of the Banana industry in the region.

A AGREEMENTS

I. CONDITIONS OF WORK

A. GENERAL LABOR STANDARDS

The Industry shall comply with all statutory benefits required by law, social benefits and CBAs of workers' organization. Moreover, it shall endeavor to grant living wage when circumstances of the business undertaking allow.

- A.1 *Ensure that workers are paid the minimum wage and compliance with other labor standard laws, whether outsourced employees or not, or who are "pakyaw" or piece rate workers, except as otherwise provided by law;*
- A.2 *Engage only in legitimate labor contractors;*
- A.3 *Management shall require a bond to all its manpower providers to answer deficiencies in the compensation of the latter's employees;*
- A.4 *Regular rank and file representatives shall assist the DOLE inspector in the conduct of General Labor Standards (GLS) and Occupational Safety and Health Standards (OSHS) inspection of contractors;*
- A.5 *Management undertakes to implement self-assessment of compliance to all its contractors. In case of violation, principal should assert compliance of the law from the contractors and continuous violation therein shall constitute termination of contract;*
- A.6 *The Industry shall not employ children below 15 years of age except the child works under the direct supervision of the parents or legal guardians. However, the child worker shall not render service more than 4 hours a day and in no case beyond 20 hours a week.*

Children 15 to below 18 years of age may be engaged in any work or economic activity provided he / she is not exposed to hazardous working conditions. He shall not also render more than 8 hours a day nor more than 40 hours a week.

In both cases, child workers are not allowed to work from 10:00PM to 6:00AM.



B. OCCUPATIONAL SAFETY AND HEALTH

The stakeholders shall ensure protection and well-being of every working man against work-related injury, sickness or death through a just and humane working condition. Pursuant to this commitment, the following activities shall be undertaken:

- B.1 *Creation of a strong and working Occupational Safety and Health Committee (OSH) at the plant level that would oversee the implementation of OSH Standards, reportorial requirements to the Bureau of Working Condition (BWC) and other issuances pursuant to Rule 1040 of the Occupational Safety and Health Standards;*
- B.2 *Comply with the provisions of Rule 1080, Personal Protective Equipment (PPE). All PPE shall be of the approved design and construction appropriate for the exposure and the work to be performed. Further, conduct consultation with users during LMC in coordination with OSHC, DA, DOLE. shall extend its technical assistance in testing PPEs;*
- B.3 *Conduct job hazard analysis annually or as the need arises with the assistance of DOLE;*
- B.4 *Tool Box Meeting shall be adopted before the start of any and all activities to include observance of OSH standards and penalties for infractions;*
- B.5 *OSH signage and other OSH promotional materials or posters shall be visible in the work premises. Management shall conduct information dissemination and shall enjoin strict compliance with company policies;*
- B.6 *Companies shall formulate Drug and TB Free Workplace Policy as a component of OSH program pursuant to Department Order No. 53-03 and Department Order No. 73-05;*
- B.7 *A Banana Industry Tripartite Council- Safety and Health Committee (BITC-SHC) shall be created that would regularly monitor and address issues and concerns on OSH. National Agencies with regulatory function on Safety and Health shall take an active part in the BITC-SHC;*
- B.8 *BITC shall have automatic representation before the OSH Network 10.*



II. LABOR- MANAGEMENT RELATIONS

Management shall ensure security of tenure to its workers and observe worker's rights to self-organization. Relative to this, the following practices shall be undertaken:

- a. *Strictly observe due process relative to termination of employment on the ground of just and authorized causes pursuant to Book VI of the Labor Code;*
- b. *Educate workers on written company policy relative to administrative processes in disciplinary actions. Notice of violation shall be properly served to the worker and he or she shall be given equal opportunity to be heard of his or her defense;*
- c. *Management shall create a venue that is bi-partite in composition, represented by management and workers, which will address grievance from both sectors relative to imposition of penalties. This venue shall be outside the standard disposition of labor disputes provided in the Labor Code;*
- d. *The BITC shall initiate the conduct of company orientation of Employees Compensation programs annually;*
- e. *Workers shall observe a degree of efficiency that will contribute substantially to the productivity of the company. Anent to this, constraints or hindrance to productivity e.g. absenteeism shall be policed by the ranks voluntarily;*
- f. *Recognizing the unstable conditions of international market of Banana, labor shall refrain from bringing production to a halt. Valid grievance of labor shall be resolved by parties themselves or through conciliation or mediation remedies provided by law. The statutory guarantee giving labor the right to conduct peaceful concerted actions as a tool of negotiation shall be availed as a last recourse;*
- g. *Complaints coming from management or workers should be referred first to the grievance machinery or LMC before it will be entertained by DOLE Provincial Office. Failure to come up with any resolution of a complaint, the record shall be endorsed to the DOLE Regional Office or any appropriate agency. No complaint shall be entertained by the DOLE Office or any appropriate agency unless a certification to file complaint is issued by the grievance machinery or LMC. This procedure shall be mandatory.*

- h. *The Department shall, upon summon by any party for any labor dispute, immediately consider the condition under the Alternative Intervention for Dispute Avoidance (AIDA);*
- i. *Labor and Management shall avail of the mediation or conciliation processes in the resolution of labor cases thru the DOLE's Single Entry Approach (SEnA) program.*

III. SOCIAL PROTECTION

The Banana Industry shall ensure that all its workers are afforded social protection.

- a. *Ensure SSS, PhilHealth and Home Mutual Development Fund (HMDF) coverage to all its workers and religious remittance of premiums;*
- b. *Companies who are employing child workers shall ensure coverage of SSS, PhilHealth and HDMF and shall provide supplementary social benefits and protection to the latter. Management shall ensure that child workers are afforded education to pave way for economic advancement. Further, child workers should be provided regular medical check-up;*
- c. *Promote Gender and Development program in order to acknowledge the role of women workers;*
- d. *May provide benefits such as but not limited to:*
 - *Free meals during production overtime*
 - *Dental services and medicine allowance*
 - *In-house medical team (farm based)*
 - *Rice incentive*
 - *Productivity bonus*
 - *Commissary at low prices*
 - *Availment of emergency loan*
 - *Bereavement and emergency leaves*
 - *Conduct of weekly value formation*
 - *Provision of budget for Master's Education*
 - *Trainings or Seminars*



IV. HUMAN RELATIONS AND PRODUCTIVITY

Management shall implement recognition and awards program to encourage productivity among its workers.

- a. Management shall endeavor to voluntarily advance the welfare of its workers in furtherance to the provision of the Philippine Constitution which is to provide labor their just share in the fruits of production. Anent to this, compensation shall be grounded on living wage;
- b. Profit sharing, performance incentive and similar bonuses shall be adopted as a policy of the industry whenever business conditions allow through the Productivity Council or Committee at the plant level;
- c. Grant performance incentive to deserving workers and formulate a scheme approved by management and workers' representatives and/or thru the LMCs;
- d. Management shall provide venue for grievance outside the standard processes. Labor-Management Cooperation, Anti-Sexual Harassment Committee and its likes shall be established;
- e. Workers shall ensure among their ranks degree of efficiencies in work performance and strive for optimum production in the operation towards the attainment of fair return of investments;
- f. Labor shall strictly follow company policies that are just, fair and equitable. Imposition of penalty relative to infractions shall be strictly adopted after compliance of due process;
- g. The culture of Occupational Safety and Health shall be upheld and recognized as a basic component for productivity. The Department, Occupational Safety and Health Center, OSH Network-10 and other Safety Organizations shall give full assistance to ensure safe and healthful working conditions;
- h. The Department of Agriculture, DTI, TESDA, DOLE and other Government Agencies shall assist the Banana Companies in terms of marketing, quality control and trainings to ensure competitiveness of the product in the world market.

V. CORPORATE CITIZENSHIP/COMMUNITY RELATIONS

Labor and Management, as an involving partnership possessing a single personality in the community, shall undertake activities contributing to the development of the community, thru but not limited to the following programs jointly undertaken:

- a. Environmental preservation
- b. Community health and wellness program
- c. Participate in DOLE's employment and welfare programs
- d. Livelihood assistance and promotion
- e. Value formation and spirituality
- f. Partnership with LGUs programs and projects

VI. SOCIAL DIALOGUE AND COLLABORATION AMONG INDUSTRY STAKEHOLDERS

- a. Avail of the tripartite mechanism and social dialogue in addressing the economic, social and labor issues affecting the Pineapple industry;
- b. Endeavor to advance the thrusts of the BITC and benchmark industry best practices;
- c. Implement low cost improvement in work conditions which can eventually lead to improvement in productivity, safety and health, and the general well-being of the workers;
- d. Pioneer organic agriculture initiatives;
- e. Coordinate with LGUs and other Offices for a simplified-unified health requirements for the workers.



VII. ACHIEVING CODE OBJECTIVES THROUGH THE BITC ADVOCACY AND EDUCATION

All stakeholders shall undertake activities and programs to achieve the Objectives of this Code and make the same workable and achievable thru a tripartite multi-agency approach.

- a. *The BITC conducts quarterly meetings to implement and advance the plans and commitment of the Code;*
- b. *Plant level information dissemination on this Code and other advocacies shall be undertaken;*
- c. *The Department of Trade and Industry, Region 10 (DTI-10) shall assist in improving stakeholders' market competitiveness through the conduct of Value Chain Analysis (VCA) and activities on entrepreneurial, management and skills trainings;*
- d. *The Department of Agriculture, Region 10 (DA-10) shall assist in cost reduction and increase profitability through Supply Value Chain Activities (SVCA), conduct trainings on product standards orientation, and market matching through market promotional activities e.g. fora, and trade fairs;*
- e. *DA-Agricultural Training Institute shall conduct training on Good Agricultural Practices(GAP);*
- f. *DA-Regional Agricultural and Fishery Council shall implement livelihood programs;*
- g. *The Technical Education and Skills Development Authority, Region 10 (TESDA-10) shall conduct skills certification activities for the industry's workers;*
- h. *National Conciliation Mediation Board, Region 10 (NCMB-10) shall conduct annual and/or, as requested, plant level interventions and assists in establishing active or functioning LMCs;*
- i. *The Department of Labor and Employment, Region 10 (DOLE-10) shall provide technical assistance, education, learning session, monitoring and evaluation and other related concerns.*

VIII. MONITORING, EVALUATION AND REPORTING (FORM)

The Banana Industry Tripartite Council (BITC) shall conduct its quarterly meetings and evaluation, and closely coordinate and report to DOLE-10 any development of its respective commitments.

On top and beyond the provisions and requirements of the Labor Code, we, the undersigned stakeholders of the Banana Industry of Region 10, signify our pledge to advance the aspirations of this Code and continuously strive towards good practices of the Industry.

WITNESS our hand this Day _____ in the City of Cagayan de Oro.

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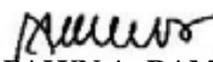
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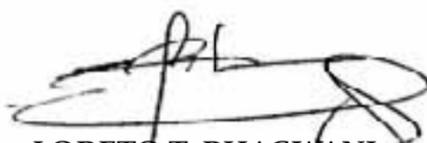
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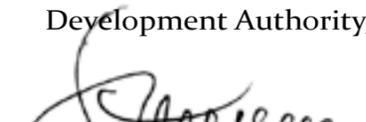
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 Region 10

HON. ROSALINDA DIMAPILIS-BALDOZ
 Secretary
 Department of Labor and Employment



BANANA INDUSTRY TRIPARTITE COUNCIL PROJECT/ACTIVITY MONITORING AND EVALUATION REPORT

This is a monitoring tool purposely used to measure and ascertain the Voluntary Code of Good Practices in the Banana Industry to the stakeholders. This will measure the effectiveness and efficiency of activities/plans of action to specific target. Result of this will assist in formulating strategies, policies that will improve project implementation and ensure sustainability geared towards alleviating poverty and eventually creation of employment in a specific area.

	PRIORITY AREA	KEY ACTIVITIES	TIME FRAME	RESPONSIBLE PARTNER AGENCY	REMARKS
	Labor-Management Relations				
	Conditions of Work and Occupational Safety and Health				
	Employment Security				
	Corporate Citizenship				
	Advancing the Role of Women				
	Social Dialogue				
	Social Protection				
	Advocacy and Education				

Submitted by: _____

Position: _____

Name of Company/Agency: _____

Date: _____

Noted by: (Head of Office)

