

# **Code of Conduct**

## **on the Elimination of Child Labor in the Sugar Industry in Bukidnon**

**May 2012**

**District Tripartite Council**

Province of Bukidnon

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## I. Introduction

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

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.

In sugarcane, children work in different hazardous tasks from planting, weeding, cutting and hauling. Estimates of child labor in sugarcane have ranged from 60,000 to 200,000 children (de boer, Sweet Hazards, Netherlands, 2005). Child labor in sugarcane is a complex issue compounded by politics, land reform and a lack of clear data.

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 bases, the Department of Labor and Employment (DOLE) - Bukidnon Provincial Office put out this Voluntary Code of Conduct on the Elimination of Child Labor in the Sugar Industry in Bukidnon.

This Code is an initiative by the stakeholders in the sugar industry in Bukidnon. These are: the Local Government Units of Quezon and Maramag, the Busco and Crystal Sugar Milling Companies, the District Tripartite Council, the Sugar Industry Foundation Inc., (SIFI), the Sugar Planters Associations, the Barangay Local Government Units of Butong, Salawagan, Poblacion, San Jose and Merangeran, all in the municipality of Quezon, the Department of Education, the Provincial Government of Bukidnon, in collaboration with the International Labor Organization through the International Programme on the Elimination of Child Labor (IPEC).

The Code provides guidelines for all stakeholders of the sugar industry in Bukidnon to combat and to eliminate the worst forms of child labor in Bukidnon, particularly in sugarcane. It also serves as framework for advocacy by the government institutions,

sugarcane planters/farmers, crop inspectors, sugarcane workers, parents, educators, barangay councils, Barangay Council for the Protection of Children (BCPC), children and communities as a whole to withdraw child laborers and prevent children at-risk to become child labourers and keep them in schools to acquire education.

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 of 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 difference in vulnerabilities and needs between genders (girls and boys) and the necessity to give them due attention and action

*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 established a better dialogue, 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 the series of three consultations from March 9, April 10 and April 24, 2012 held at Hotel Valencia, BUSCO Training Center and Maramag.

This code was adopted on 1<sup>st</sup> day May of 2012, during the celebration of LABOR DAY in Kaamulan Open Theatre by the members of the District Tripartite Councils of Busco Sugar Milling Company and Crystal Sugar Milling Company at Malaybalay City, Bukidnon.

## II. Objective of the Code

The objectives of this Code of Conduct are:

1. To come up with a common understanding and concern on the Child Labor issue in the sugar industry in Bukidnon;
2. To enhance the participation and involvement of stakeholders in the elimination of child labor in the sugar industry in Bukidnon;
3. To provide guidance and policy framework for elimination of child labor in the sugar industry of Bukidnon;
4. To protect and promote the welfare and wellbeing of every child regardless of ethnicity, religion, economic status and gender in the sugar industry in Bukidnon; and
5. To promote programs in the sugar industry addressing the root causes of child labor.

This code is a common framework for the stakeholders in the sugar industry in Bukidnon, 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)

**Employment of children** 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).

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

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	Limited or no positive rewards for the

psychologically;	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 works in the sugar industry include: night work, long hours of work, work under long exposure to sun heat, work under the rain, carrying canes, cane loading unto 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, 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.

Aside from child labor in sugarcane, other 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.

**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, formal and non-formal 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 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. It can cancel such business permit and license for any act of non-compliance. LGU can allocate new budget and integrate programs and projects in the existing local children welfare programs.

**BCPC** – Barangay Council for the Protection of Children. Its mandate requires it to prevent child abuse, exploitation and child 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 of government like Department of Health, Department of Education, Department of Labor and Employment; Social Welfare and Development, Department of Interior and Local Government, Philippine National Police for assistance.

BCPC shall maintain records of working children; conduct regular monitoring and coordination with the district tripartite council of the sugar milling.

#### IV. Stakeholders' Commitments

The sugar industry in Bukidnon 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 I: Minimum Age for Employment

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

*Section 2:* Employers who intend to engage children for labor within ages 15 to 17 years, or below 18, shall secure written permissions from their parents or legal guardians, and approved by the BCPC. The permission shall state that such employment does 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 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 their 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 2 hours exposure to sun heat, under the rain, 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), and others provided by law.

**Section 3: Work where children may engage:**

<b>Allowable work for children ages 15 to 17</b>	<b>Conditions for the engagement of children ages 15 to 17</b>
1. Land preparation and cultivation <ul style="list-style-type: none"> <li>☐ Animal Ploughing</li> <li>☐ Harrowing (Karas)</li> <li>☐ Planting basal including peeling</li> <li>☐ Cutting cane points (<i>sinsillo</i> and <i>gupod</i>)</li> <li>☐ Peeling</li> <li>☐ Cutting cane points with peeling</li> <li>☐ Fertilizing (Tagad)</li> <li>☐ Fertilizing (Bubod)</li> <li>☐ Weeding (medium density)</li> <li>☐ Weeding (Low density)</li> <li>☐ Hilling-up (1 meter distance between rows)</li> </ul>	<ul style="list-style-type: none"> <li>☐ Not during school days or hours.</li> <li>☐ To use gloves, mask, and hat.</li> <li>☐ No girls for ploughing, harrowing, basal, and hilling-up</li> <li>☐ With parents/adult supervision for cutting cane points</li> </ul>
2. Ratoon <ul style="list-style-type: none"> <li>☐ Peeling and replanting</li> <li>☐ Trash scattering</li> </ul>	<ul style="list-style-type: none"> <li>☐ Not during school days or hours.</li> <li>☐ To use gloves, mask, and hat.</li> <li>☐ With parents/adult supervision for trash scattering</li> </ul>
3. Other labor work <ul style="list-style-type: none"> <li>☐ Food/water preparation</li> <li>☐ Setting up of tents /temporary shelter</li> </ul>	<ul style="list-style-type: none"> <li>☐ Not during school days or hours.</li> <li>☐ To use gloves, mask, and hat.</li> <li>☐ With parents/adult supervision for trash scattering</li> </ul>

**Section 4:** Children with health conditions requiring special care arrangements shall undertake lighter works.

**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 five (5) o'clock in the afternoon. No night work.

**Section 3:** Working days for children shall not exceed five (4) days in a week, or not more than 32 hours a week.

**Conduct IV: Employment during school days**

**Section 1:** Employers shall not employ children 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 shall work only after classes, but within the working hours specified in this Code.

#### Conduct V: Remuneration, benefits and privileges

*Section 1:* Children shall receive equivalent pay, benefits and privileges for workers in the same level and type of work.

*Section 2:* Children shall have the same work leaves (sick, vacation, parental, postnatal, and others), days-off, and holidays, as mandated by the Labor laws of the Philippines.

*Section 3:* Children shall have the same opportunities for promotion and pay upgrades due to competence, diligence and contribution to work accomplishment.

*Section 4:* Children shall become regular workers under the same terms provided for by the Labor laws of the Philippines.

#### Conduct VI: Additional guarantees

*Section 1:* Children workers shall have equal opportunity for work retention in times of redundancies, on the basis of performance.

*Section 2:* Children workers losing jobs resulting from redundancies shall receive separation benefits with reference to the Labor laws of the Philippines.

*Section 3:* Employers shall provide free medical examination prior to hiring children for employment. Same free medical examinations shall be provided twice per year during employment. Employers shall further give free medical care for children workers who develop illness in their work.

#### Conduct VII: Conducive social environment

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

*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, including those affected with HIV/AIDS, gender, or expressed opinion.

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

## V. 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 turnover them to the District Tripartite Council or the Municipal Social Welfare and Development Office for appropriate assistance.

*Section 2:* Child laborers within 15 to 17 years of age shall be withdrawn anytime upon recommendations of parents, Barangay Council for the Protection of Children (BCPC), employers, the District Tripartite Council or any concerned stakeholder, whenever they show health weaknesses, signs of psychological illness, 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 cash-transfer program of the DSWD. Other social partners may be involved in the rehabilitation of withdrawn child laborers.

### Conduct IX: Role of LGU and DOLE

*Section 1:* Identified employers in the sugar industry shall get accreditation with the DOLE Bukidnon Provincial Office. Prior to the issuance of such accreditation, employers shall undergo seminars on the Labor laws including this Code of Conduct. Accreditation by the DOLE Bukidnon means the employers commit to respect the requirements of said Labor laws, and they participate in the efforts to protect the welfare of children.

*Section 2:* Same identified employers shall submit to the DOLE Bukidnon Provincial Office their workers' authenticated photocopies of birth certificates issued by the civil registrar, and work contracts. The first stand as legal reference for their workers' age, and the second show the hazards involve in each of the worker's tasks and the mitigating actions being applied.

*Section 3:* Concerned LGUs, participating to eliminate child labor, shall require DOLE accreditation for issuance of business permits and licenses to identified employers in the sugar industry. They may further attach condition that non-compliance of the Code becomes one of such grounds for cancellation of such permits and licenses.

## Conduct X: Non-compliance of the Code of Conduct

*Section 1:* Non-compliance of any provision of this Code represents a violation of pertinent laws of the Philippines. It carries appropriate penal measures under the same laws.

*Section 2:* Reports of non-compliance shall be directed to the DTC. The agency shall then investigate and call the attention of concerned employers to apply corrective actions. The District Tripartite Council may seek relief from appropriate agencies in case non-compliance continues. These agencies may include the Department of Labor and Employment (DOLE), the Katarungang Pambarangay, the Court of Justice, and the Local Social Welfare and Development Office. For cases relating to RA 9262 (or the VAWC law), RA 9208 (Anti Trafficking in Persons) and RA 9231 (or An Act Providing For The Elimination Of The Worst Forms Of Child Labor And Affording Stronger Protection For The Working Child), the District Tripartite Council is under obligation to file action with the Court of Justice covering the area where said cases happened.

*Section 3:* Government officials and personnel, and everyone are obligated to report with the District Tripartite Council and the concerned Katarungang Pambarangay any observed non-compliance of this Code. Non-reporting constitutes participation in such act of non-compliance.

*Section 4:* The Barangay Council for the Protection of Children (BCPC) shall actively monitor and act for the welfare of children as mandated for by Department of Interior on Local Government on Barangay Local Governance.

## VI. Implementation and Monitoring

The *Code of Conduct on the Elimination of Child Labor in the Sugar Industry in Bukidnon* is a policy enactment to guide all the stakeholders.

The District Tripartite Council shall communicate this Code to every sugar industry stakeholder, down to the planters' level who regularly require laborer/s in their production activities. It shall also become the monitoring authority to ensure the Code is respected by stakeholders.

Field monitors for this Code will include the *Crop Inspectors*, the *Barangay Council for the Protection of Children (BCPC)*, and all other stakeholders.

The District Tripartite Council may partner with the BCPC in the effective dissemination of this Code down to the family level in each barangay covered by the sugar industry of Bukidnon.

A Child Labor Monitoring mechanism may be further installed in each community to strengthen the implementation of this Code. Collaborating agencies in the implementation of the Child Labor Monitoring System (CLMS) are:

- District Tripartite Council of Sugar Milling
- Department of Labor and Employment
- Department of Education (School Divisions)
- Barangay Council for the Protection of Children
- Local Social Welfare and Development Office
- Non-Government organization (NGOs)
- Local (Municipal and Provincial) Health Office
- Department of Interior and Local Government (DILG)
- Philippine National Police (PNP) and
- Office of the Local Chief Executives

## VII. References

The ***Code of Conduct on the Elimination of Child Labor in the Sugar Industry in Bukidnon*** 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
3. DILG guidelines on the Barangay Council for the Protection of Children
4. The Republic Act No. 9231, or An Act Providing For The Elimination Of The Worst Forms Of Child Labor And Affording Stronger Protection For The Working Child
5. The Republic Act No. 9262 of March 08, 2004, or the Anti-Violence Against Women And Their Children Act
6. DILG MC No. 90-04;91-5, 2002-121 and 2005-07
7. 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 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, under the DILG guidelines on Barangay Local Governance, 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 assist 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.*

## VIII. Stakeholder's Signatures

This Code of Conduct on the Elimination of Child Labor in The Sugar Industry in Bukidnon will come into force effective 1 May 2012 and will remain in force and effect until the organization-parties, by mutual consent, agree on modification.

In witness whereof, the undersigned, being the duly authorized have signed this Code this 1<sup>st</sup> day of May 2012 at Malaybalay City, Province of Bukidnon, Philippines.

**Atty. JOHNSON CAÑETE**  
Regional Director – DOLE 10

**JAVIER S. SAGARBARRIA**  
Resident Manager, Crystal Sugar Company, Inc.

**ROMAN OZEATA, JR.**  
Head of Operation, Busco Sugar Milling Co., Inc.

**NONITO ALVAREZ**  
President, Crystal Sugar Company Inc. Employees  
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**JERRY F. TUMABIÈRE**  
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President, Bukidnon Planters Association, Inc.

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**SEVERINO C. CUPIDA**  
Chairman, Bukidnon Progressive Planters MPC

**EMETERIO C. VILLANUEVA, III**  
President, Sugar Producers Association of  
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**JOSELIN MEDALLA**  
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**ANTONIO PIZARRO**  
President, United Sugarcane Planters of  
Bukidnon Association, Inc.

**ROMEO E. ANAY**  
President, Bukidnon Integrated Planters  
Association

Signed in the presence of:

**Honorable GREGORIO L. GUE**  
Mayor, Quezon, Bukidnon

**Honorable ALICIA P. RESUS**  
Mayor, Maramag, Bukidnon

## IX. Acknowledgement

### CODE OF CONDUCT ON THE ELIMINATION OF CHILD LABOR IN THE SUGAR INDUSTRY IN BUKIDNON

Mr. Raul Valmores  
Coordinator, Provincial Head, DOLE Bukidnon PO

Mr. Archie Y. Batica  
Facilitator, LEO-III, DOLE Bukidnon Provincial Office

Mr. Hector E. Tuburan, Jr.  
Facilitator, ILO – IPEC Provincial Coordinator

Mr. Leonard S. Legarda  
Writer

Formulation of this Code of Conduct on the Elimination of Child Labor in the Sugar Industry in Bukidnon was initiated by the District Tripartite Councils of Busco Sugar Milling Company and Crystal Sugar Milling Company of Bukidnon province with the support of the Department of Labor and Employment DOLE 10 and Bukidnon Provincial Office, and the technical and financial assistance from the International Labor Organization (ILO) – International Programme for the Elimination of Child Labour (IPEC).

Bukidnon 2012