

TRIPARTITE INDUSTRIAL PEACE COUNCIL

RESOLUTION NO. 2

Series of 2020

“Calling for the Preservation of Work and Strict Observance of the Right to Security of Tenure amid the COVID-19 Pandemic”

WHEREAS, Article II, Section 18 of the 1987 Constitution provides that “the State affirms labor as a primary social economic force, and shall protect the rights of workers and promote their welfare”;

WHEREAS, Article 3 of the Labor Code of the Philippines, as amended, provides that “the State shall afford protection to labor, promote full employment, ensure equal work opportunities regardless of sex, race or creed and regulate the relations between workers and employers, and shall assure the rights of workers to self-organization, collective bargaining, security of tenure, and just and humane conditions of work”;

WHEREAS, the right to security of tenure ensures that no worker shall be terminated from work except for just and authorized causes and with due process in accordance with the Labor Code;

WHEREAS, Presidential Proclamation No. 922, Series of 2020, was issued on 08 March 2020, declaring a State of Public Health Emergency throughout the Philippines due to Coronavirus Disease 2019 (COVID-19) pandemic and its impact to the country’s economy;

WHEREAS, Presidential Proclamation No. 929, Series of 2020, was issued on 16 March 2020, declaring a State of Calamity throughout the Philippines and imposed an Enhanced Community Quarantine throughout Luzon;

WHEREAS, Republic Act No. 11469, otherwise known as the “Bayanihan to Heal As One Act”, was enacted on 24 March 2020, declaring a state of national emergency over the entire country “in view of the continuing rise of confirmed cases of COVID-19, the serious threat to the health, safety, security, and lives of our countrymen, the long-term adverse effects on their means of livelihood, and the severe disruption of economic activities”;

WHEREAS, approximately 2.3 million workers in the formal sector were either displaced or affected by temporary closures or flexible work arrangements based on reports from DOLE Regional Offices;

WHEREAS, pursuant to Republic Act No. 10395 or “An Act Strengthening Tripartism, Amending for the Purpose Article 275 of the Presidential Decree No. 442, as amended otherwise known as the Labor Code of the Philippines”, the National Tripartite Industrial Peace Council (NTIPC) is mandated to review existing labor, economic, and social policies and to evaluate local and international developments affecting them;

WHEREAS, the NTIPC-Tripartite Executive Committee (TEC) members discussed during the Special Online Meeting on 21 April 2020, that in this time of crisis, both workers and employers must maintain an open communication and strive to develop schemes that would preserve the employment of workers and sustain business operations, while ensuring their health and safety in the workplace amid the COVID-19 pandemic;

WHEREAS, the TEC drafted a resolution calling for the preservation of work and observance of security of tenure during this crisis, which was subsequently elevated to the NTIPC for consideration and approval;

THEREFORE, LET IT BE RESOLVED, AS IT IS HEREBY RESOLVED, that we, the members of the NTIPC, constituted through Republic Act No. 10395, calls on all workers and employers – be they organizations, representatives or individuals – to strengthen labor and management relationship cooperation to engage in meaningful dialogues via feasible means, in an effort to devise effective schemes and responsive solutions to preserve of employment whenever feasible and to sustain reasonable business operations, while ensuring workers' security of tenure, decent wage, health and safety in the workplace amid the COVID-19 pandemic, provided it will not oppress or destroy capital and management;

BE IT FURTHER RESOLVED, that in accordance with the existing labor laws, rules and regulations, cases of retrenchment be reported to DOLE for prompt and proper action;

BE IT FINALLY RESOLVED, that the NTIPC calls for the strict observance of the workers' right to security of tenure, especially in this time of crisis, and for violators to be immediately reported to the Department of Labor and Employment.

Let a copy of this Resolution be circulated for widest dissemination.

Approved this 21st of April 2020.