

## TRIPARTITE INDUSTRIAL PEACE COUNCIL

### RESOLUTION NO. 1

*Series of 2021*

#### ***“Ratification of ILO Convention No. 81 Otherwise Known as the Labour Inspection, Industry and Commerce”***

**WHEREAS**, Article 3 of the 1987 Philippine Constitution provides that the State shall afford full protection to labor, local and overseas, organized and unorganized, and promote full employment and equality of employment opportunities for all.

It shall guarantee the rights of all workers to self-organization, collective bargaining and negotiations, and peaceful concerted activities, including the right to strike in accordance with law. They shall be entitled to security of tenure, humane conditions of work, and a living wage. They shall also participate in policy and decision-making processes affecting their rights and benefits as may be provided by law.

The State shall promote the principle of shared responsibility between workers and employers and the preferential use of voluntary modes in settling disputes, including conciliation, and shall enforce their mutual compliance therewith to foster industrial peace.

The State shall regulate the relations between workers and employers, recognizing the right of labor to its just share in the fruits of production and the right of enterprises to reasonable returns on investments, and to expansion and growth;

**WHEREAS**, Article 3 of Presidential Decree No. 442, as amended, otherwise known as the Labor Code of the Philippines (LCP) declares 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. The State shall assure the rights of workers to self-organization, collective bargaining, security of tenure, and just and humane conditions of work;

**WHEREAS**, Article 128(a) of the LCP states that the Secretary of Labor and Employment or his duly authorized representatives, including labor regulation officers, shall have access to employer's records and premises at any time of the day or night whenever work is being undertaken therein, and the right to copy therefrom, to question any employee and investigate any fact, condition or matter which may be necessary to determine violations or which may aid in the enforcement of this Code and of any labor law, wage order or rules and regulations issued pursuant thereto;

**WHEREAS**, in recent years, the Philippines has implemented reforms to align its inspectorate legal framework and practices with the provisions of International Labour Organization (ILO) Labour Inspection Convention, 1947 (No.81). This includes, among others, the revised rules on the administration and enforcement of labor laws pursuant to Article 128 of the LCP, as renumbered, through Department Order No. 183, Series of 2017 (DO 183-17);

**WHEREAS**, DO 183-17 is aimed to further strengthen the implementation of the visitorial and enforcement powers under the LCP towards securing a higher level

of compliance with labor laws and standards, and ensuring continuity and sustainability of compliance at workplaces;

**WHEREAS**, in 2016, the Philippines signed a free trade agreement with the European Free Trade Association (EFTA), which is composed of Iceland, Liechtenstein, Norway, and Switzerland. This agreement contains a chapter on trade and sustainable development (TSD).

**WHEREAS**, the signing of the free trade agreement is the first time in which the Philippines has encountered and negotiated a chapter dedicated to upholding environmental protection and labor rights and standards;

**WHEREAS**, the commitments made by the Philippines on trade and sustainable development do not seek to harmonize the levels of labor and environmental protection with the EFTA States. Rather, it encourages all sides to have a high-level of protection consistent with international standards, taking into account each party's varying levels of development;

**WHEREAS**, hinged on the country's membership under the ILO and the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up, the Philippines committed to promote and respect the following fundamental rights:

- (1) Freedom of association and the effective recognition of the right to collective bargaining;
- (2) Elimination of all forms of forced or compulsory labor;
- (3) Effective abolition of child labor; and
- (4) Elimination of discrimination in respect of employment and occupation;

**WHEREAS**, ILO Labour Inspection Convention, 1947 (No.81) is one of the four ILO governance Conventions. As such, it embodies that an effective system of labour inspection is critical to a country's monitoring and implementation of national and international labour standards. The Convention mainly argues on the basic features needed to ensure the effectiveness and efficiency of the labour inspectorate;

**WHEREAS**, the Convention focuses on the key features of an effective labour inspectorate, particularly in industry and commerce. The Convention allows for exemption of the mining and transport sectors since these industries are covered by other specific provisions of international labour standards taking into account their specific nuances;

**WHEREAS**, there is a need to strengthen measures to afford full protection to labor in relation to the rights of workers to self-organization, collective bargaining, security of tenure, and just and humane conditions of work, among others, through labour inspection;

**WHEREAS**, the benefits of an effective labour inspectorate system, are as follows:

- (1) Ensures protection of workers' rights;
- (2) Opens access to international markets, which have requirements on mechanisms to ensure labour laws compliance;
- (3) Creates a level playing field for businesses;

- (4) Helps product and company branding and marketing of businesses;
- (5) Promotes cost efficiency in the use of government inspectorates' resources aimed at promoting compliance; and
- (6) Strengthens social dialogue

**WHEREAS**, the campaign for ratification of ILO Convention No. 81 on Labour Inspection, Industry and Commerce is necessary to ensure the monitoring and implementation of workers' rights on general labor standards and occupational safety and health;

**NOW, THEREFORE, BE IT RESOLVED AS IT IS HEREBY RESOLVED THAT**, that we, the members of the TIPC, constituted through Republic Act No. 10395, strongly support the ratification ILO Convention No. 81 on Labour Inspection, Industry and Commerce.

**APPROVED** this 19<sup>th</sup> day of May 2021.

**LABOR SECTOR**

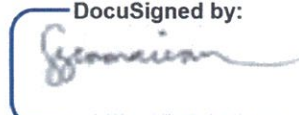
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**ESPERANZA S. OCAMPO**  
Philippine Government Employees' Association

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**JOANNA BERNICE S. CORONACION**  
Sentro ng mga Nagkakaisa at Progresibong Manggagawa

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**ELLENE SANA**  
Philippine Migrants Rights Watch

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**ARNEL DOLENDO**  
Philippine Transport and General Workers Organization

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**JOSE SONNY G. MATULA**  
Federation of Free Workers

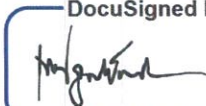
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**ALLAN S. MONTAÑO**  
Federation of Free Workers

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**MILAGROS C. OGALINDA**  
Samahang Manggagawang Pilipino – National Alliance of Teachers and Office Workers

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**ANGELITO P. CALDERON**  
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**JAIME MIRALLES**  
Association of Genuine Labor Organizations

  
**DANIEL L. EDRALIN**  
Sentro ng mga Nagkakaisa at  
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**DAVID L. DIWA**  
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**JESUS B. VILLAMOR**  
Lakas sa Industriya ng Kapatirang  
Haligi ng Alyansa


  
**VLADIMIR R. TUPAZ**  
Trade Unions of the Philippines and  
Allied Services

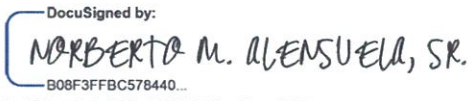
  
**CONTRADO OCA**  
Associated Marine Officers' and  
Seamen's Union of the Philippines

*(No longer attend TIPC)*  
**JOSE P. UMALI JR.**  
National Union of Bank Employees

  
**JOSUA T. MATA**  
Sentro ng mga Nagkakaisa at  
Progresibong Manggagawa

  
**GERARD R. SENO**  
Associated Professional, Supervisory,  
Office, and Technical Employees Union


  
**ROLAND C. DELA CRUZ**  
National Congress of Unions in the  
Sugar Industry in the Philippines


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

*(Retired from the organization)*  
**ALEJANDRO VILLAVIZA**  
Trade Union Congress of the Philippines

*(No longer attend TIPC)*  
**GREGORIO C. DEL PRADO**  
Alliance of Independent Hotels and  
Restaurant Workers Union

**EMPLOYER'S SECTOR**

  
**RANULFO PAYOS**  
Employers Confederation of the  
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**JESUS B. VARELA**  
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Employers Confederation of the  
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**ANTONIO ABAD, JR.**  
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Philippines (ECOP)



**FEDERICO MARQUEZ**

Employers Confederation of the  
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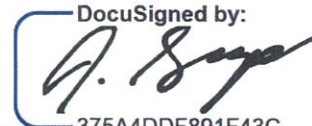
**RENE E. CRISTOBAL**

Employers Confederation of the  
Philippines (ECOP)



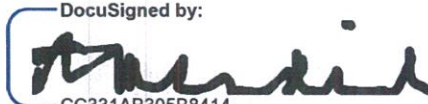
**ERNESTO CECILIA**

Employers Confederation of the  
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**ANTONIO L. SAYO**  
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Employers Confederation of the  
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**JORGE T. MENDIOLA**  
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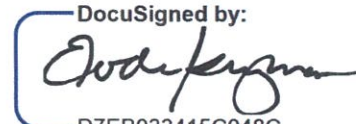
**MA. FLODELIZA LEONG**  
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Employers Confederation of the  
Philippines (ECOP)



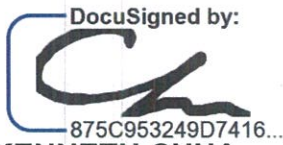
**EDGARDO LACSON**

Employers Confederation of the  
Philippines (ECOP)

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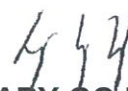
**EMERICO O. DE GUZMAN**  
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Management Association of the  
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**KENNETH CHUA**  
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IT and Business Process Association  
of the Philippines



**MARY GO NG**

Federation of Filipino Chinese  
Chambers of Commerce and  
Industry, Inc

*(Retired from the organization)*

**MANOLITO P. MADRASTO**

Employers Confederation of the  
Philippines (ECOP)

*(Deceased)*

**FELICIANO L. TORRES**

Employers Confederation of the  
Philippines (ECOP)

*(No longer attend TIPC meeting)*  
**SCHUBERT CAESAR C. AUSTERO**  
People Management Association of  
the Philippines

*(Resigned from the organization)*  
**RENE SORIANO**  
Employers Confederation of the  
Philippines (ECOP)

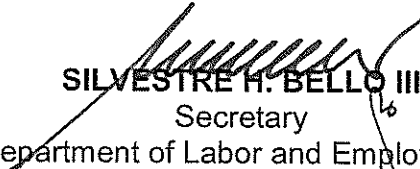
*(Retired from the organization)*  
**VICENTE LEOGARDO JR.**  
Employers Confederation of the  
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*(Sick leave/no longer attend TIPC meeting)*  
**ANCHETA K. TAN**  
Employers Confederation of the  
Philippines (ECOP)

*(No longer attend TIPC meeting)*  
**ANIANO BAGABALDO**  
Employers Confederation of the  
Philippines (ECOP)

*(Resigned from the organization)*  
**CESAR MARIO O. MAMON**  
Employers Confederation of the  
Philippines (ECOP)

**GOVERNMENT SECTOR**

  
**SILVESTRE H. BELLO III**  
Secretary  
Department of Labor and Employment

Dept. of Labor & Employment  
Office of the Secretary



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