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# Seminar Workshop on International Labor Standards

Sofitel Philippine Plaza  
30 September to 1 October 2009

*A Joint Project of ILO-SRO Manila and DOLE*





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## **Proceedings on the Seminar Workshop on International Labor Standards**

Mindanao Ballroom, Sofitel Philippine Plaza

30 September 2009 to 1 October 2009

### **Attendees**

1. The attendees to the two-day Seminar Workshop on International Labor Standards (ILS) were high level officials and technical staffs from the government, workers, employers, NGO's and representatives from the academe.
2. The Resource persons were Dr. Cleopatra Doumbia-Henry, Director of the International Labor Standards Department of ILO Geneva, Ms. Karen Curtis, Deputy Director of the International Labor Standards Department of ILO Geneva and Mr. Tim De Meyer, Standards Specialist of the ILO Sub-regional Office in Bangkok.

### **Day 1**

#### **Welcome Remarks**

3. The Session started at 9:30 a.m. with Ms. Keiko Neimi, Deputy Executive Director of the ILO-SRO, presiding. The session started with a silent prayer for the victims of the recent typhoon that hits the Metropolitan.
4. Director Linda Wirth of the ILO-SRO Manila welcomed all the participants and expressed her gratitude to all the partners in responding to the invitation for the seminar workshop.

#### **Opening Message**

5. Executive Secretary Eduardo Ermita delivered his message through Undersecretary Pilita Venturanza from the Office of the President.
6. There are four important messages imparted by the Executive Secretary. First, the Filipinos take pride in the respect and high regard for labor and laborer not as commodity but as a human being. The Filipinos, by their very inherent nature, highly regard labor as essential in maintaining a life of economic comfort and laborers who are primarily responsible are valued for their individual and collective contribution.
7. Second, the Philippines is one with the international community in creating more humane working conditions and in coordinating policies and programs for the promotion of basic human rights, improve living conditions and enhance employment opportunities. It is firmly committed in creating and providing decent employment and in treating people in conditions of freedom, equity, security and human dignity. As a matter of policy, the Philippines' protection to

labor is not simply compliant in accordance with national standards but with international labor standards.

8. Third, the Philippines commitment is to go beyond being a mere signatory to ILO Conventions to actually implement its commitment both in law and practice. The Philippine constitution affirms labor as a primary social economic force. It shall protect the right of workers and promote their welfare. The State shall guarantee the rights of all workers to self-organization, collective bargaining and negotiation, 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.

#### *Relevant Laws/Issuances*

9. Since the Philippines' ratification to the ILO core Conventions, it has achieved several milestones in advancing the interest of labor and in participating with the ILO's activities. The following laws and issuances were enacted/issued: (a) Industrial Peace Act of 1953 or the Magna Carta of Labor; (b) Presidential Decree No. 442 of 1974 or the Labor Code of the Philippines; (c) Executive Order No. 403 creating the Tripartite Industrial Peace Council; (d) Executive Order No. 126 creating the National Conciliation and Mediation Board; (e) Republic Act No. 6715 or the Labor Relations Law of 1989; (f) Republic Act No. 9481 or the Act Strengthening the Worker's Constitutional Right to Self-Organization; and (g) Proclamation No. 1974 declaring April 21, 2009 to May 1, 2009 as International Labor Organization Week.
10. The Philippine Supreme Court has also been vigilant in protecting the right of the workers such as their right to security of tenure and to self-organization. In several cases, the court had issued rulings that further strengthen labor union rights and upheld the right of regular workers to continue their employment and not to be terminated except by just or authorized causes as defined under the Labor Code.

#### *Milestone of Philippine Membership with ILO*

11. The Philippines was elected thrice as titular member of the ILO Governing Body, in 1957, 1981 and 2002. Two Cabinet Secretaries, Secretary Blas Ople and Secretary Patricia Sto. Tomas, were also elected as President of the ILO Conference in 1975 and 2001, respectively.
12. Last, the Philippine government takes pride in its accomplishments in the last half of a century of being an ILO member in protecting the rights of its workers and promoting their welfare in line with the mandate of the Constitution and its commitment to the ILO vision. With these small or large victories, areas for

improvement in the application of international labor standards need to be assessed. The government is not unmindful of the clamor of the workers for better working conditions, higher wages and greater participation in labor management relations.

13. On the alleged violation such as the unexplained killings, the Melo Commission has stated conclusively in its report which was assessed by Philip Alston, a UN Special Rapporteur, that there is no official or sanction policy on the part of the military or its civil superiors to what other countries euphemistically call alternative procedures. The information on all the alleged violations should come from reliable sources so that we can benefit from truly informed judgment.
14. The Executive Secretary expressed his appreciation for the conduct of the seminar workshop which is beneficial to all the stakeholders concerned. He also assured that the Philippine government remains committed to its internationally worthy endeavor of protecting labor.

### **Presentation and Discussion**

#### **Introduction to the ILO and Overview of the International Labor Standards**

##### *History*

15. Director Cleopatra Henry presented a brief background on the ILO and its relation to the United Nations. She also had a comprehensive discussion on the international labor standards.
16. The ILO was founded in 1919, as part of the Treaty of Versailles that ended World War I, based on the premise of universal and lasting peace that can only be accomplished based on social justice. It is a specialized agency of the United Nations. It has a unique character being the only international organization that is tripartite in nature. It has a total of 183 member States.
17. The ILO Constitution was drafted in 1919. The constitution, incorporated in the Treaty of Versailles, establishes a link between peace and social justice. In 1944, the ILO adopts the Declaration of Philadelphia which expands the reach of the ILO constitution to move beyond improving working conditions to promoting more equitable growth. In 1998, the Declaration on Fundamental Principles and Rights at Work and its Follow-up was adopted by the ILC which commits all ILO member States to the universal ratification of the so-called 8 fundamental Conventions which covers the four areas: (a) freedom of association and collective bargaining; (b) elimination of forced labor; (c) elimination of child labor; and (d) elimination of discrimination in respect of employment and occupation. In 2008, a Declaration on Social Justice for a Fair Globalization was adopted by the ILC which is a reaffirmation of the key role of the ILO in helping achieve progress and social justice in the context of globalization. In June 2009,

the ILC adopts a Global Jobs Pact that reaffirmed the importance of the role of the ILO in upholding rights at work amidst the global financial crisis. In the same year, the ILO celebrates its 90<sup>th</sup> anniversary, along with other significant dates like the 60<sup>th</sup> year of ILO Convention 98, 60<sup>th</sup> year of the Non-discrimination Convention and the 20<sup>th</sup> year of the adoption of the Indigenous Peoples Convention.

### *Objectives and Principles*

18. The ILO aims to promote universal and lasting peace based on social justice. It treats labor right as human right and hence labor is not a commodity. The Freedom of expression and association are essential to sustained progress. It respects the right of all human beings, irrespective of race, creed or sex, to pursue both their material well-being and spiritual development in conditions of freedom and dignity, of economic security and equal opportunity.
19. The ILO aims to ensure that it serves the needs of working men and women by bringing together governments, employers and workers to set labor standards, develop policies and devise programmes. Its tripartite structure makes the ILO unique among world organizations because employers' and workers' organizations have an equal voice with governments in all its deliberations.
20. The ILO encourages tripartism within member States by promoting social dialogue to help design and implement national policies not only at the ILO but at the national level. Achieving fair terms of employment, decent working conditions, and development for the benefit of all cannot be achieved without the active involvement of workers, employers and governments.
21. Social Dialogue is also one principle of the ILO. It includes all types of negotiation, consultation and exchange of ideas among representatives of government, employers and workers on issues of common interest.

### *Structure*

22. The ILO accomplishes its work through three main bodies, all of which comprise government, employer and worker representatives, as follows: (a) International Labor Conference; (b) Governing Body; and (c) International Labor Office.
23. The International Labor Conference (ILC) is called the international parliament of labor. It meets once a year in the month of June in Geneva. Each member State is represented by two government delegates and one delegate each from the employers and workers organizations. It establishes and adopts international labor standards and is a forum for discussion of key social and labor questions.
24. The Governing Body (GB) is the executive council of the ILO. It meets three times a year in Geneva. It takes decisions on ILO policy, which it then submits to the



Conference for adoption. It also elects the Director-General. It is composed of 28 government members, 14 employer members and 14 worker members.

25. The International Labor Office (Office) is the permanent secretariat of the ILO. It is the focal point for ILO's overall activities, which it prepares under the scrutiny of the Governing Body and under the leadership of a Director-General.

#### *International Labor Standards (ILS)*

26. International Labor Standards are legal instruments drawn up by the ILO's constituents (governments, employers and workers) and setting out basic principles and rights at work. They are either conventions, which are legally binding international treaties that may be ratified by member states, or recommendations, which are not open for ratification and serve as non-binding guidelines. In many cases, a convention lays down the basic principles to be implemented by ratifying countries, while a related recommendation supplements the Convention by providing more detailed guidelines on how it could be applied. Recommendations can also be autonomous.
27. The ILO's Governing Body has identified eight conventions as fundamental conventions covering subjects that are considered as fundamental principles and rights at work: freedom of association (Convention 87) and the effective recognition of the right to collective bargaining (Convention 98); the elimination of all forms of forced or compulsory labor (Convention 29); the effective abolition of child labor (Convention 105); and the elimination of discrimination in respect of employment and occupation (Convention 100) and the elimination of the worst forms of child labor (182) . These principles are also covered in the ILO's Declaration on Fundamental Principles and Rights at Work. In 1995, the ILO launched a campaign to achieve universal ratification of these eight conventions. To date, there are 1,316 ratifications of these Conventions. The Philippines ratified all the fundamental conventions.
28. ILO has recently launched a promotional campaign for the universal ratification and implementation of four (4) priority Conventions or also called as the convention on governance which includes (a) Labor Inspection (Conventions 81 and 129); (b) Tripartite Consultation (Convention 144); and (c) Employment Policy (Convention 122). To date, there are 410 ratifications representing more than 55% of the possible number of ratifications. The Philippines ratified Conventions 144 and 122.

#### *Creation of International Labor Standards*

29. International labor standards evolve from a growing international concern that action needs to be taken on a particular issue, for example an issue providing decent work for domestic workers which is under discussion for the June 2010 ILC.

30. Discussions on a particular concern are being undertaken at the ILC. A two-thirds majority votes by the governments, workers and employers is required for a standard to be adopted.
31. All matters related to work are covered by the ILS such as freedom of association, collective bargaining and industrial relations, forced labor, equality of opportunity and treatment, child labor, labor administration and inspection, employment policy and promotion, wages, migrant workers, social security, among others. These standards have been influential in enacting national law like the eight-hour working day which is patterned under ILO Convention No. 1.
32. The Governing Body continues to study the standards in order to see to it that the ILO instruments are relevant in the world of work. Adopting new Conventions that are inclined to the changing world of work is a challenge to the ILO. Not all of the 188 conventions and 199 recommendations are up-to-date. As can be expected, some of these instruments no longer correspond to the present demand. To address this problem, the ILO studies the conventions and adopts revising conventions that replace older ones. Seventy-six (76) Conventions and seventy-eight (78) Recommendations - including the fundamental conventions - were designated as being up-to-date and recommended for active promotion.
33. Standards adopted by the Conference are universal, flexible and an expression of tripartite international consensus. It serves as guide for the governance in the world of work. Standards are adopted by two-thirds majority vote of the ILO's constituents and are therefore an expression of universally acknowledged principles. It reflects the fact that countries have diverse cultural and historical backgrounds, legal systems, and levels of economic development. Standards have been formulated in a manner that makes them flexible enough to be translated into national law and practice with due consideration of the differences. Flexibility is getting the balance right. Other standards have so-called flexibility clauses allowing states to lay down temporary standards that are lower than those normally prescribed, to exclude certain categories of workers from the application of a convention, or to apply only certain parts of the instrument.

#### *Other Instruments*

34. Other ILO instruments are Resolutions, Declarations and Codes of Practice.

#### *Ratification of Conventions*

35. ILO member States are required to submit any convention adopted at the International Labor Conference to their national competent authority for the enactment of relevant legislation or other action including ratification. Ratification is a formal procedure whereby a state accepts the convention as a legally binding instrument. Once a member State has ratified a convention, it

commits to put in place at the national level the law and practice based on the Convention. It is also subjected to international oversight.

36. The ILO helps in the implementation of ILS through dialogue, technical assistance and technical projects like the kind of project that the ILO had given in support to the elimination of child labor.
37. Of the 188 ILO Conventions adopted by the ILC, there are a total of 7,642 ratifications by 183 member States. The Philippines ratified 34 Conventions.
38. International Labor Standards are relevant since it is considered as the cornerstone of governance and balanced economic and social development. It is also a means to ensure that economic development remains focused on improving human life and dignity. It has also been linked to trade agreements that we cannot control nor avoid.

#### *Relation to the UN System*

39. ILS is part of human rights. ILO Conventions are of direct relevance for the realization of Human Rights particularly the economic and social rights. The ILO works closely with the UN bodies in promoting labor rights.

#### **Ratification Status of ILO Conventions, Reporting Obligation and Supervisory Mechanisms**

40. Mr. Tim De Meyer presented an overview of the ratification status of all the ILO Conventions by the member States, the reporting obligation that accompany after ratification and the regular and special procedures covered under the ILO supervisory mechanisms.
41. The global ratification of the Conventions shows relative figures to the ratifications of said Conventions by region. It shows that countries in the African Region have ratified almost all of the Conventions and the biggest gap or challenge call for the Asian and Arab states where it shows less progress in ratification.
42. The Philippines is among the three (3) countries in Asia that ratified all the fundamental Conventions.
43. The ILO database shows that no member State in Asia has ratified all the four (4) priority Conventions. The Philippines ratified two (2) of the four (4) priority Conventions.

### *Philippine Ratifications*

44. Out of the thirty four (34) ILO Conventions ratified by the Philippines, thirty-two (32) are in force since one Convention was denounced and another Convention did not obtain the required number of ratifications for it to be taken into force. Twenty three (23) of the 34 ratified Conventions are currently up-to-date.
45. The eleven (11) ratified ILO Conventions that are not up-to-date are: (a) Five (5) maritime conventions as it is already revised by the adoption of the Maritime Labor Convention (MLC); (b) One (1) governing night work for women since Convention 89 will be complemented by Protocol 89 or denounced in connection with the ratification of Convention 171; (c) Two (2) governing protection of young workers as Conventions 77 and 90 are considered to be revised; (d) Two (2) governing employment injury benefits as Convention 17 is revised by Convention 121 and Convention 19 is complemented by Convention 118; and (e) One (1) governing minimum-wage fixing as the Governing Body requests to contemplate by ratifying Convention 131.

### *Reporting Obligation*

46. The reporting obligation comes after ratifying a certain Convention. Article 22 of the ILO Constitution provides that each ratifying state to a particular Convention has the obligation to make a periodical report on the measures which it has taken to give effect to the provisions of Conventions to which it is a party. These reports shall be made in such form and shall contain such particulars as the Governing Body may request.
47. The reporting obligation also covers unratified Conventions under Article 19 of the ILO Constitution. Each member State is obliged to report on the application of the Conventions it has not ratified. The ILO's theme for this year's report is general survey of law and practice on employment policies and next year is social security law and practice from around the world. The purpose of the reports is to put an index of all the legislations from all over the world and gain good information from it.
48. The obligation may be seen in two (2) ways: (a) as a burden; and (b) as an opportunity to reflect on what the ILO would want to do with the country.
49. The ILO gets information from member States through the regular reports submitted by the governments, workers and employers organizations to the ILO's Committee of Experts.

### *Supervisory Mechanism*

50. The ILO regularly examines the application of standards of its member states and points out areas where they could be better applied. It developed various means

of supervising the application of Conventions and Recommendations in law and practice following their adoption by the Conference and their ratification by member States.

51. There are two kinds of supervisory mechanism: (a) regular system; and (b) special procedures.

#### *Regular Procedure*

52. The regular procedure operates on the basis of reports periodically submitted by the governments and supplemented by the comments of the workers and employers organizations to the ILO.
53. The reports are examined by two ILO bodies which are: (a) Committee of Experts on the Application of Conventions and Recommendations; and (b) Committee on the Application of Standards.
54. The Committee of Experts is a body of legal experts which is not tripartite in nature. Its role is to provide an impartial and technical evaluation of the member State's application of international labor standards and study the appropriate technical assistance or program that the ILO may propose to address the gaps.
55. The Committee of Experts may also make 'observations' which in principle are considered as gaps of more serious nature or 'direct requests' which seek to clarify measures on the application of the Conventions.
56. The report of the Committee of Experts is submitted to the International Labor Conference where it is examined by the Conference Committee on the Application of Standards which is tripartite in nature. It examines the report and selects from it a number of observations for discussion. The governments referred to in these comments are invited to respond before the Conference Committee and to provide information on the situation in question.
57. This happens to the Philippines during the 96<sup>th</sup> ILC in 2007 and 98<sup>th</sup> ILC in 2009 on the observations on the application by the Philippines on Convention 87 which led to the its acceptance of the ILO's request for an ILO mission to the country for technical assistance on the application of Convention 87.
58. The discussions and conclusions of the situations examined by the Conference Committee are published in its report. Situations of special concern are highlighted in special paragraphs of its General Report.

#### *Special Procedures*

59. The special procedures are: (a) procedure for representations on the application of ratified Conventions under Article 24 of the ILO Constitution; (b) procedure for

complaints on the application of ratified Conventions under Article 26 of the ILO Constitution; and (c) Special procedure for complaints regarding freedom of association.

60. The representation procedure can be filed by trade unions or employers in case of specific incidence on non-compliance or violation of ratified Conventions. Upon receipt of the representation, the ILO informs the government concerned to send its comments for examination by the tripartite committee during the Governing Body Session. After examination, the Governing Body decides whether to publish the representation and the reply by the government in the Official Bulletin. The Office notifies the decisions of the Governing Body to the government and the complainant.
61. In the Asian Region, Japan has the highest number of representation filed to the ILO which relates more on workers with disabilities.
62. The complaint procedure can be filed in specific case of non-compliance of ratified Conventions by another ratifying member State, a delegate to the Conference representing workers or employers or the Governing Body. The complaint will be examined by the Commission of Inquiry. The result of the examination is published with the corresponding recommendations of the Commission and if the government does not accept the recommendations then the complaint may be submitted to the International Court of Justice. The Governing Body may also result to appropriate measures if the government does not comply with the recommendations.
63. In sum, the ILO's system of procedures exists not to condemn the member States but to help the governments, workers and employers in the application in law and practice of Conventions.
64. The procedure under the Committee of Freedom of Association is discussed under the topic of Freedom of Association.

#### **ILO Database on International Labor Standards**

65. The ILO Database on International Labor Standards was presented by Deputy Director Karen Curtis. She gave an overview of the ILO website ([www.ilo.org](http://www.ilo.org)) particularly on the international labor standards, databases contained in the APPLIS, ILOLEX and NATLEX websites and the site for the Committee on Freedom of Association.
66. The APPLIS is a database on the application of international labor standards basically an introduction to the ILS starting from their adoption by the Conference to their application by member States.

67. The ILOLEX is a database containing ILO Conventions and Recommendations, ratification information, comments of the Committee of Experts and the Committee on Freedom of Association, representations, complaints, interpretations, General Surveys, and other related documents.
68. The NATLEX is the database of national labor, social security and related human rights legislation. Records in NATLEX provide abstracts of legislation and relevant citation information. It is indexed by keywords and by subject classifications.
69. The Committee of Freedom of Association site called LibSynd (French term) contains the comments of the Committee of Experts on ILO Conventions 87 and 98. It also contains the report of the Committee of Experts on said Conventions by country.

### **Reporting Obligation of Member States**

70. Mr. Tim De Meyer discussed the Reporting Obligation of Member States to the ILO based on the ILO Constitution.
71. Under the ILO Constitution, there are three (3) main reporting obligation under Articles 19 and 22.
72. First is the obligation under Article 19 to communicate the texts of Conventions and Recommendation within one year from adoption to the competent authorities. The competent authorities in the Philippines are both Houses of Congress. The communication must be accompanied by recommendations on whether the Conventions are for ratification or not. As signatory to Convention 144, the government must also consult the position of the most representative organizations of workers and employers.
73. Second is the obligation also under Article 19 to respond to questionnaires on selected Conventions and Recommendation that have not yet been ratified by the member State. Every year, the governing body selects a theme for the reporting based on the four pillars of decent work. This is important as there is a need of sharing law and practices around the world.
74. Last is the obligation under Article 22 to report on the measures undertaken to give effect to the provisions of Conventions that a member State has ratified. The first report is submitted two the ILO after one year from the date of registration of the instrument of ratification to the ILO. The eight (8) fundamental Conventions and the four (4) priority or governance Conventions normally has a two-year cycle of reporting while the other ratified Conventions normally has a five-year cycle of reporting.

75. If a member State failed to submit its report, the Conference Committee of the Application of Standards will call the attention of the member State during its Committee meetings and inquire into its failure to submit a report.
76. For the year 2009, there are eleven (11) ratified Conventions due for reporting last 1 September 2009. The ILO received only two (2) Conventions report from the government. The Philippine government was reminded to submit the remaining reports on or before the Session of the Committee of Experts in November 2009.
77. The Observations of the Committee of Experts uses strong language since the Observations are long-standing request for the government to appropriately respond to the comments of the Committee of Experts.

**Philippine Experiences on Article 22 of the ILO Constitution  
(Reporting Obligation)**

78. Undersecretary Rosalinda Baldoz presented the process flow of the government in reporting to ILO pursuant to Article 22 of the ILO Constitution and the gaps/challenges in making the report with the proposed recommendations in addressing such gaps.
79. The letter requesting reports on the application of ratified conventions is sent to the government every February, together with a list of the conventions on which detailed and simplified reports are due. Copies of the 'Observations' and the 'Direct Requests' of the Committee of Experts are also attached for comments/inputs by the government. The reports are requested to reach the ILO between June 1 to September 1 each year.
80. Upon receipt of the ILO communication, the DOLE as the focal agency on ILO matters through the International Labor Affairs Bureau coordinates with the concerned agencies in formulating the replies on the report on ratified ILO conventions and the corresponding observations and direct requests of the ILO's Committee of Experts. The concerned government entities will consult with their counterparts/implementing agencies in drafting the report.
81. The DOLE through the International Labor Affairs Bureau will consolidate all the replies from the concerned agencies. Ideally and as signatory to ILO Convention 144 on Tripartite Consultation Convention, the consolidated replies will be forwarded to the Tripartite Industrial Peace Council (TIPC) through the Bureau of Labor Relations for further discussion. However, in the absence of TIPC discussion, the employers' and workers' organizations may directly send their comments to the ILO.



82. DOLE will submit the report to ILO-Geneva, copy furnished ILO-SRO Manila and the Philippine Mission in Geneva. DOLE also communicates the same report to the workers and employers organizations.
83. The same procedure also applies to the Philippines reporting obligation under Article 19 of the ILO Constitution on unratified ILO Conventions.

#### *Gaps/Challenges and Proposed Solutions*

84. The identified gaps/challenges in the formulation of reports are as follows: First, the partner agencies have limited understanding on the supervisory mechanisms of the ILO. Second, there are no trained focal persons/points on International Labor Standards among the concerned implementing agencies. Third, ILO conventions ratified by the Philippines cover diverse subjects which correspond to the concern/mandate of other government agencies other than DOLE. Fourth, the counterpart agencies are not aware of their important role in the process of ensuring full compliance on Philippine ratified ILO conventions. Fifth, counterparts are not aware of the importance of their response to the report forms. Sixth, the partner agencies are not conscious on the timelines of the submission of reports. Seventh, there is lack of familiarity in the manner of reporting. Last, the ILS is not a priority concern among concerned agencies.
85. Given the identified gaps and challenges, the following are proposed solutions/recommendations in order to come up with a timely and comprehensive report: capacity building in the form of trainings to the technical staffs particularly those involved in the ILS; issuance of Office Orders designating focal persons on ILS; creation of Inter-agency Committee on ILS; provision of IEC materials; and establish linkages among concerned agencies.

#### **Reflections on the Presentations**

86. Director Cleopatra Henry gave a brief reflection on all the discussions. First, the reporting procedure presented by Undersecretary Baldoz should be followed in all the reporting obligations of the Philippines. She reiterated that as signatory to Convention 144, the Philippines has the obligation to have full tripartite consultation on international labor standards. Second, she reminded again the government to submit its report on the ratified Conventions before the Governing Body Session in November so as not to be included in the footnote of not being compliant. Third, she encouraged all the participants to look at the obligation to report not as a burden but as an ILO's way of helping getting the entire system function well. Fourth, she encouraged tripartite dialogue among all concerned agencies. While the DOLE may be the focal point of the government on ILO concerns, there are Conventions that cuts across a number of government agencies that has the mandate in their application. Fifth, the focus is not only on the reporting mechanism but also on the commitment to improve the application of Conventions. Last, Convention 89 is one of the Conventions identified by the

ILO as not up-to-date. The government is encouraged to ratify Convention 171, a more up-to-date Convention, which will lead to the automatic denunciation of Convention 89.

## **Day 2**

### **Plenary Discussion on the Result of Workshop I**

87. The participants were divided into four (4) groups. Each group will be assigned a particular Convention and they will identify or review the challenges in formulating the reports or in replying to the Comments of the ILO Committee of Experts and identify the proper agencies or the focal point which are responsible in providing information to the said reports. They will also recommend strategies in formulating the replies.

#### *Group 1*

88. The output of Group 1 was discussed by Mr. Rodolfo Velasco Jr. from the Department of Environment and Natural Resources (DENR) of the Mines and Geosciences Bureau. Their discussion was based on the Request of the Committee of Experts on Convention 176 (Safety and Health in Mines Convention) which is due for reporting to the ILO this year.
89. The challenges identified are as follows: (a) There is inadequacy on the detailed information about the monitoring activities conducted by the multi-partite monitoring team and the need for the mining companies to provide detailed information on the implementation of their annual report program; (b) There is inadequate detailed exploration on the Safety and Health program during the designing and construction on the mines; (c) There is insufficient government regulations governing the monitoring of physical and biological hazards and absence of standards in these areas; and (d) There is also a need to check if there is are existing guidelines/regulations and harmonize these guidelines if there are any.
90. The proposed strategies are: (a) There should be a detailed reporting among stakeholders that conform to the reporting template of the ILO and there is also a need for ILO technical assistance to organize multi-stakeholders consultation to establish focal persons; (b) There should be an extensive consultation among mine stakeholders and agency partners including the Mining Industry Tripartite Council then to the Tripartite Industrial Peace Council prior to the submission of report to the ILO; (c) The mining companies should be engaged in the efforts to promote safety and health in the workplace and inform the workers of the hazards in the mining areas; and (d) There should be conduct of policy review in the mining industry and formulation of internal guidelines for the health and safety of workers.

91. The Department of Environment and Natural Resources was identified as the focal agency for this Convention. It is expected to coordinate with other government agencies like the Department of Labor and Employment in the conducting consultations.

*Group 2*

92. The output of Group 2 was discussed by Mr. Tony Asper from the Federation of Free Workers. There discussion was based on the comments of the ILO Committee of Experts on Convention 105 (Abolition of Forced Labor).
93. The challenges identified are as follows: (a) There is no participation of employers and workers organizations in the policy boards of the concerned government agencies; (b) There is lack of appropriate and effective consultation within the government agencies and social partners; (c) There is inadequate way of gathering data and information between and among government agencies and the social partners; and (d) There is also lack of coordination among government agencies and also among the employers and workers organizations.
94. The proposed strategies are: (a) There should be institutionalization of Inter-agency Committee at least to the compliance of Convention 105; (b) There should be regular consultation among government agencies on one hand and between and among the workers and the employers organizations on the other hand; and (c) There should be focal persons among all the agencies concerned and identify their roles so as to apply the principle of accountability. The roles would include data gathering and information sharing and consultation of concerned agencies and negotiations leading to agreement of policies and programs to address the concerns of the Committee of Experts.
95. There is also a discussion on the timelines and schedules of reporting. Convention 105 is due for reporting this year and the next reporting cycle is by 2011 and 2013. In the next reporting cycle, by the time the request for report will be received by the government, it will solicit inputs from concerned sectors between the months of January to March. April to June will be for Inter-agency and tripartite consultations and July to August will be the finalization of reports in time for submission to the ILO by September.
96. The responsible agencies for Convention 105 are DOLE, DOJ, DILG, DSWD, DTI, OP, SBMA, PEZA, Congress, Supreme Court, and the workers and employers organizations.

*Group 3*

97. The output of Group 3 was discussed by Ms. Flor Cabatingan from the Trade Union Congress of the Philippines. The discussion was based on the comments of the Committee of Experts on Convention 138 (Minimum Age Convention).

98. The challenges identified are: (a) Absence of focal persons from the concerned agencies on ILS; (b) Lack of time in submitting the inputs/replies for TIPC discussion; (c) Agencies concerned have no information/feedback/copy of the final report submitted to the ILO; (d) Some issues cannot be addressed adequately; (e) There are competing priorities of concerned agencies; and (e) There are duplication of reports.
99. The proposed strategies are: (a) Identify focal/main agency responsible in gathering data from concerned agencies and social partners; (b) Identify focal persons in each concerned agency who will coordinate with the main focal person/agency and draft replies/reports/inputs; (c) Identify specific agencies which will respond to specific issues; and (d) Establish timelines.
100. The proposed workplan/timelines are: (a) For the month of March, upon receipt by the government of the request of the ILO to provide report/comments on the observations and direct requests of the Committee of Experts, the DOLE will prepare communications to heads of agencies for identification of focal units/persons. The focal persons will be briefed on the reporting forms of the ILO. (b) From April to May, the concerned agencies/focal persons will be preparing the replies which will include gathering of data, consultation with stakeholders/social partners and submission of the replies to the main focal agency. (c) For the month of June, all the focal persons from each concerned agencies will be convened for discussion of agency's inputs/gaps. (d) For the month of July, the report will be submitted for TIPC discussion. (e) For the month of August, the report will be finalized and submitted to the ILO copy furnished the workers and employers organizations and all concerned agencies.

#### *Group 4*

101. The output of Group 4 was discussed by Ms. Myrna Rosario from the Department of Labor and Employment. The discussion was based on the comments of the Committee of Experts on Convention 182 (Worst Forms of Child Labor).
102. The challenges are: (a) Identify offices responsible for reporting/providing information; (b) Lack of an effective mechanism for reporting; (c) Lack of other agencies' awareness of the importance and process of reporting; and (d) Lack of standard timeline to meet the 1 June to 1 September deadline.
103. The strategies are: (a) Identification of the issues under Convention 182 to organize the National Committee Against Child Labor; (b) Commitment of concerned agencies to provide information and help in the reporting obligation; (c) Regional approach: enhance utilization of regional offices in the present system; (d) Issue-based approach: membership of each national agency in issue clusters in the National Committee Against Child Labor; (e) Letters sent to concerned agencies informing about the proposed new mechanism for reporting; (f) Meetings promoting the importance and procedural aspect of the reporting

obligation; (g) Assignment of deadlines/timelines in each stage of the reporting process.

104. The responsible agencies in responding to the challenges are: DENR, DSWD, DILG and NTA for the issue of hazardous work; DSWD, DILG and DOH for sexual exploitation; PNP, PDEA, BI, POEA NBI, DILG, DOJ and NCIP for trafficking; DND, AFP and OPAP for armed conflict; and DepEd for education. DOLE will be the lead agency in organizing meetings and consultations with the concerned agencies. The NGO's and employers and workers organizations play also important roles in the formulation of responses.

#### **Freedom of Association, Civil Liberties and Committee of Freedom of Association**

105. The principle of Freedom of Association (FoA) was presented by Ms. Karen Curtis. She discussed Convention 87 which is the basis of the FoA and its relation on civil liberties and the fundamental nature the Committee of Freedom of Association (CFA).
106. FoA is the key to sound and equitable industrial relations. It is the basis for promoting harmonious industrial relations and a climate of confidence and trust in the workplace. It is a human right universally recognized and protected. It is recognized in the United Nations Covenant on Economic, Social and Cultural Rights, ILO Constitution, Declaration of Philadelphia and the Declaration of Fundamental Principles and Rights at Work.
107. FoA covers civil and political rights, freedom of expression, the right of workers and employers freely to form and join organizations including their right to organize their own internal administration and activities and formulate their programmes.
108. ILO Convention 87 on the Freedom of Association and the Protection of the Right to Organize Convention covers all workers and employers without distinction including public servants, export processing zones, agricultural works and contract labor with the exception of the police and armed services.
109. A Resolution on trade union rights and their relation to civil liberties was adopted during the 1970 ILC. It covers the right to life and personal safety, the right to freedom and security of person from arbitrary arrest and detention, the freedom of opinion and expression, the freedom of assembly, the right to a fair trial by an independent and impartial tribunal, and the right to protection of the property of trade union organizations.
110. The detention, arrest, physical threats, assaults or disappearances of leaders and of workers' and employers' organizations for activities in connection with the exercise of their right to organize are blatant violations of FoA. Impunity must not

prevail. The absence on convictions reinforces the climate of violence and insecurity extremely damaging to the exercise of trade union rights.

#### *Special Machinery – Committee of Freedom of Association*

111. The Committee on Freedom of Association (CFA) was created in 1951 after the adoption of Conventions 87 and 98 for the purpose of examining complaints filed against governments for violation of the principles and standards of freedom of association.
112. The CFA is appointed by the Governing Body from among its members and is composed of nine (9) regular members representing equally the government, employers and workers groups of the Governing Body and headed by an independent Chairperson. It meets three (3) times a year in the months of March, June and November where it conducts its private session or confidential deliberations of cases.
113. The complaints may be brought against a member state by employers' and workers' organizations. If the CFA finds that there is violation of freedom of association standards or principles, it issues a report through the Governing Body and makes recommendations on how the situation could be remedied. Governments are subsequently requested to report on the implementation of its recommendations. In cases where the country has ratified the relevant instruments, legislative aspects of the case may be referred to the Committee of Experts. The CFA may also choose to propose a "direct contacts" mission to the government concerned to address the problem directly with government officials and the social partners through a process of dialogue. If the Conventions are not ratified, the CFA may conduct follow-up review of its recommendations.
114. The decisions of the CFA is placed in a 'digest' which brings together all the decisions and principles in a concise form for easy reference and serves as a useful guide to the policies and actions to be adopted. For each of the principles and decisions contained in the digest, the corresponding references are given to the previous digest or to the reports, cases and appropriate paragraphs of the Committee's reports.
115. Since 1952, the CFA has examined over 2,700 cases with 180 to 190 cases per year. The Philippines placed fourth from all the member States in Asia that has the highest number of cases filed before the CFA.

#### **Plenary Discussion on the Result of Workshop 2**

116. The participants maintained their groupings during the day 1 of the seminar-workshop. The aim of the workshop is to insure the participation of all the concerned agencies including the social partners in the formulation of reports by

the Committee on Freedom of Association. The group will study the case of Myanmar as guide.

#### *Group 1*

117. The output of Group 1 was presented by Atty. Allan Montaña from the Federation of Free Workers. His discussion focused on the determination of focal agencies responsible in providing data/information relative to the comments by the ILO supervisory bodies. It also identified the challenges and the strategies in addressing the challenges.
118. The important agencies responsible in bringing the international labor standards to its full application in law and practice are as follows: DOLE, DOJ, Office of the President, AFP, PNP, DILG, CHR, PEZA, Bureau of Jail Management and Penology (BJMP), Congress and the Judiciary.
119. The challenges identified in giving full application of international labor standards are: (a) lack of legislation that guarantee freedom of association; (b) intervention of authorities in the free exercise of freedom of association; and (c) lack of effective dispute resolution process.
120. The strategies to address the challenges are: (a) the social partners must actively involve in finding solutions and not rely solely on the efforts of the government; and (b) there is no other things left but to pray for Myanmar situation.

#### *Group 2*

121. The output of Group 2 was presented by Tony Asper from the Federation of Free Workers. He discussed the solutions on how to solve the problems/issues raised in the case of Myanmar.
122. The proposed solutions in the case of Myanmar are as follows: (a) "Iraq solution"; (b) Apply Article 26 of the ILO Constitution; (c) Pray that things will change; (d) Impose economic sanctions; (e) Develop social dialogue among all stakeholders and tripartism; and (f) Combination on ILO supervisory mechanisms and moral sanction.

#### *Group 3*

123. The output of Group 3 was presented by atty. Romeo Montefalco from the DOLE Bureau of Labor Relations. His discussion covers the issues identified in the case of Myanmar taking into consideration the Philippine setting, the strategies in addressing the issues and the responsible agencies in working out the strategies.

124. The issues are: (a) Lack of legislative action and poor implementation of existing laws; (b) intimidation, harassments and other violation of the right to organize; and (c) Lack of dispute resolution.
125. The strategies are: (a) Full implementation of existing laws and there should be congressional dialogue to amend laws or enact new and updated ones; (b) Massive information drive of the right to self-organization to educate the implementing agencies on the nuances of labor relations; and (c) Identification of specific agencies responsible in dispute resolution.
126. The important agencies responsible in working out all the activities are DOLE, DOJ, PNP, AFP, Congress, Judiciary, social partners including the unions in the public sector.

#### *Group 4*

127. The output of Group 4 was presented by Police Superintendent Eduardo Villena. His discussion covers the challenges and strategies in responding to the comments of the ILO supervisory bodies, the focal units/agencies responsible in carrying out the strategies and the role of social partners in responding to these comments.
128. The challenges are: (a) Lack of awareness among all agencies which office has the primary responsibility in providing the responses; (b) Lack of coordination among the agencies; and (c) Lack of technical capacity for information dissemination and for harmonization of existing legislation to conform to the ILO Conventions.
129. The proposed strategies are: (a) information dissemination among all sectors and agencies of government; (b) Creation of multi-sectoral committee and Technical Working Group on matters of the reporting obligation of the Philippines to the ILO; (c) Creation of database consisting of all legislations and ILO Conventions; (d) Technical capacity building training among the agencies including the ILO; and (e) Active participation in congressional inquiry on matters of legislation.
130. The social partners will contribute in matters of lobbying important legislations in Congress and also in providing response to the comments of the ILO supervisory bodies.

#### **Open Forum**

131. First question was raised by Director Ping Torres from the DOLE: "What is the next step of ILO in the case of Myanmar?"
132. The question was answered by Director Cleopatra Henry. The issue involved in Myanmar is mainly violation of the Forced Labor Convention. ILO has accomplished all the ILO mechanisms for Myanmar. It has an existing



Memorandum of Understanding with Myanmar. ILO technical assistance has also been extended to Myanmar in order to provide them jobs and no need for forced labor. Myanmar is showing progress in responding to the ILO's assistance.

133. The second and last question was raised by a participant from the labor sector: "What is the rationale why there are two representatives from the government and only one from each worker and employer organizations in the decision and making process of the ILO?"
134. The question was also answered by Director Cleopatra Henry. The rationale behind the difference in number is that the strength of the government must equate the strength of the social partners which is one from each worker and employer organizations. At the Conference, the adoption of international instruments requires a vote of two-thirds majority of the tripartite body.

### **Closing Messages**

135. In the spirit of tripartism, the tripartite partners represented by the Employers Confederation of the Philippines (ECOP), Trade Union Congress of the Philippines (TUCP), Federation of Free Workers (FFW), Alliance of Progressive Labor (APL), and the government gave their reflections on the two-day seminar workshop on ILS.
136. Mr. Mario Mamon from the ECOP extends the ECOP's congratulations to the ILO Office in Manila and Geneva and the DOLE for the remarkable success in holding this briefing on ILS that aims to enhance the participants' appreciation on the various ILS and ILO policies, procedures and processes. He stressed that ILS are essential since they serve as roadmap in eliminating conditions that involve injustice, hardship and deprivation while promoting opportunities for women and men to obtain decent and productive work in conditions of freedom, equality and dignity. He reaffirmed the ECOP's commitment in advocating the standards in its various projects and activities since the standards create the necessary condition for a more enduring industrial peace and harmony in the business environment. He also mentioned the ECOP's assurance in advocating the Decent Work Agenda of the ILO that promotes social dialogue, social protection, and employment protection in the context of ILS and expressed their desire for a strong partnership with the ILO and all the social partners.
137. Atty. Alejandro Villaviza from the TUCP expressed the TUCP's appreciation to the ILO and to the social partners for this dialogue and for allowing the ILO Mission to inquire on the alleged trade union violations in the country. The TUCP reiterates its commitment to put into action all the agreements and programs as a result of this seminar workshop. As the trade unions all over the world celebrates the World Day for Decent Work, TUCP will hand over the call to action with the theme "Decent Work, Decent Life" reiterating respect for the core labor standards, workers rights and other human rights, social protection,

environmental concerns and address the exploitation of migrant workers. It also call on the implementation and funding of the Philippine Decent Work Common Agenda which will ensure concrete steps towards labor code reforms, improvement of the labor standards enforcement, labor inspection and the ratification of specific ILO Conventions. It also reiterates the harmonization of the Philippines and the ILO's Country Decent Work Agenda.

138. Atty. Allan Montaña from the FFW welcomed the technical cooperation programs that the ILO has to offer. He expressed the call to continue working to make this country conform its laws and practices in accordance with the international treaties that it ratified.
139. Mr. Daniel Edralin from the APL expressed his gratitude to the ILO for granting their request for the transfer of venue of the Seminar Workshop from Shangri-la Hotel to the Sofitel in accordance to the spirit of freedom of association since Shangri-la is known to be anti-union. He also shared the case of Dusit Hotel which was brought to the ILO supervisory body on the issue on the right to strike. He also expounded the issues/gaps that our country is facing now: (a) the Philippines is governed by a martial law labor code (PD 442) which suppressed workers rights and trade union action; (b) The Philippines is governed by litigious procedures that prevent workers from exercising their rights; (c) Long process even in an ordinary dismissal case; (d) the executive branch of government is not responsive to the plight of workers where contractualization is now rampant all over the place; and (e) there is breakdown in the justice system of the country. With all these issues, it left the workers only remaining possible solution to avail the supervisory bodies of the ILO.
140. Mr. Edralin also expressed his expectation that after the seminar-workshop and with the recommendation of the ILO High Level Mission, the ILO will extend the technical assistance by way of bringing the information and skills to use the mechanisms to as many offices as possible to inform them of their rights. He also expressed his appreciation to the very informative workshop. He further shared his view that the role of the trade unions in the tripartite structure of the ILO is to initiate real cases since the government has the tendency to maintain the status quo and the employers will not do this since they are the ones benefitting from the system. He ended by looking forward to more standards being adopted in the future.
141. Undersecretary Rosalinda Baldoz in behalf of DOLE Secretary Marianito Roque shared three defining moments in the history of the country and its people. First, she started by reflecting that the arrival of the ILO High Level Mission to the Philippines was September 21. It was on the same date when martial law was declared thirty six years ago. Inspired by the suppression of fundamental rights including labor rights, a group of experts were able to craft a landmark legislation known as the Labor Code that symbolized the restoration of democracy for the workforce in 1975. The ILO High Level Mission to the country will practically meet

all offices in the executive, legislative and judiciary including the social partners and the complainants. The government views the coming of the Mission not only to help the government in addressing the gaps in law and practice but to assist as well the tripartite constituents so that all sectors will benefit in the application of Convention 87. Second, the government looks forward to the final report of the Mission. The visit of the ILO Mission is a defining moment in the light of the Labor Code as social justice is the key to universal and lasting peace. The findings of the Mission are independent, impartial and transparent. Last, the lessons that we learned, as this event are unfolding our eyes, to influence others in making changes within and among our agencies. She ended by looking forward to how the ILO would help the country. She also expressed gratitude to the Inter-agency Committee headed by the Executive Secretary, ILO Manila Office and the social partners for their coordination and participation in all the activities of the Mission.

#### **Response by the ILO**

142. Director Cleopatra Henry gave a brief response to all the reflections/messages of the tripartite constituents. She particularly thanked Undersecretary Baldoz for all her efforts for the ILO Mission. She also thanked the social partners for their full cooperation.
143. She stressed that the ILO High Level Mission came to work with all the constituents. She thanked all sectors from the government, employers, workers including the complainants for the very hospitable opportunity of working with them. She expressed appreciation for the time and cooperation that agencies devote to the Mission. The Mission talked to people who are really open, who are ready to be engaged and who are ready to volunteer information.
144. She also expressed satisfaction that they were able to meet with a lot of agencies and expressed apologies to the meetings called shut even if they want to stay and dialogue more to enable them to meet with more agencies.
145. She also announced the technical assistance that the ILO will provide particularly in the area of comprehensive training. She suggested that the tripartite dialogue and the interaction with the ILO be strengthened. She ended by encouraging the participants to think outside the box and find practical legal solutions in responding to the comments of the ILO Supervisory Bodies.

#### **Closing Remark**

146. Director Linda Wirth expressed her gratitude for the attendance of all the participants despite the present problems encountered by the country by the typhoon. She expressed her hopes that the lessons learned for the two-day forum will be put into practice in order to improve the reporting system of the country on ILS. She further expressed her appreciation to Undersecretary Baldoz

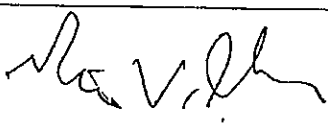
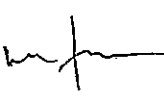


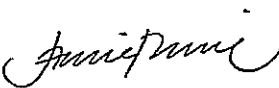
for all her efforts and the resource persons from Geneva for the very informative lectures. She also thanked the ILO-SRO Manila staffs led by Ms. Diane Respall and the DOLE for the coordinative work.


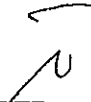

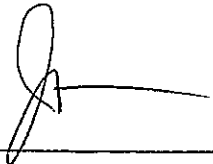


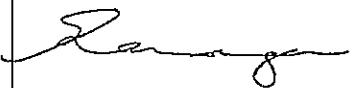
❖ *The attached documents shall form part of the proceedings.*

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**BRIEFING ON  
INTERNATIONAL LABOUR STANDARDS (ILS)**  
30 September - 1 October 2009  
Sofitel Philippine Plaza Manila

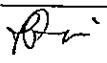


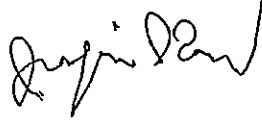
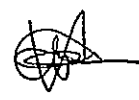
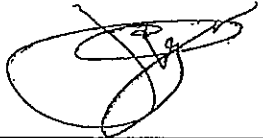
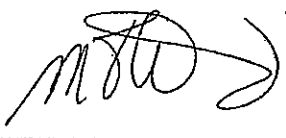


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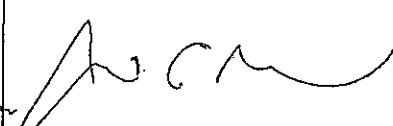
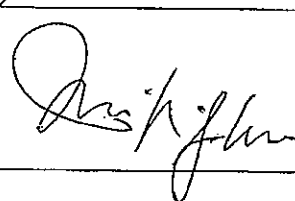
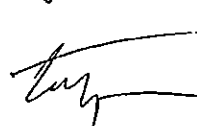
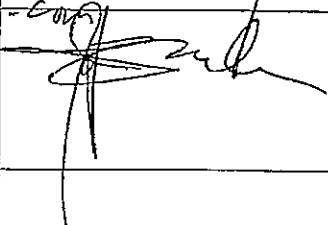
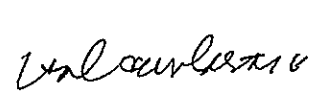
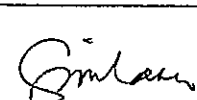

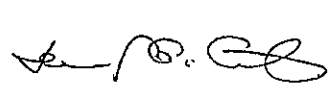
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Briefing on International Labour Standards (ILS)  
30 September – 1 October 2009, Sofitel Philippine Plaza Manila

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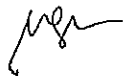






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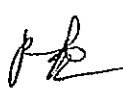
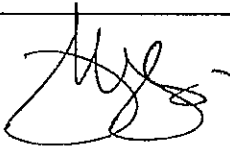




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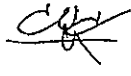
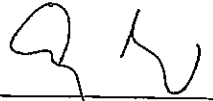
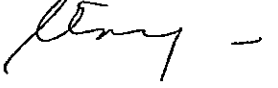
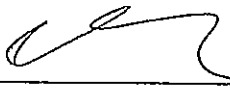
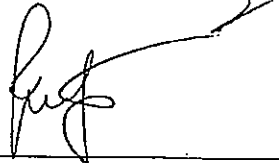
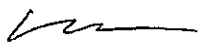



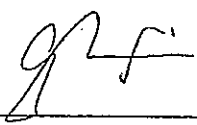
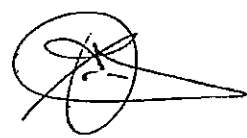
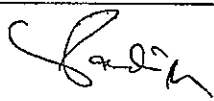
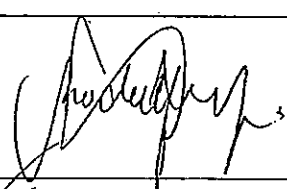
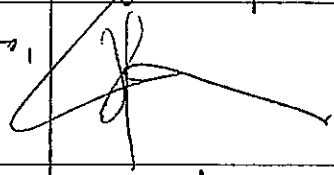
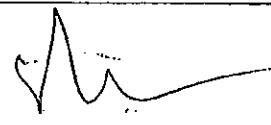
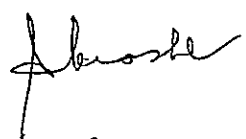

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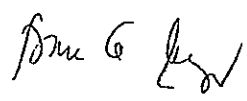
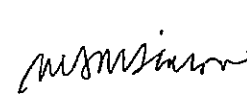
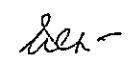




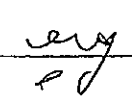
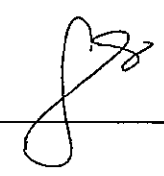
Briefing on International Labour Standards (ILS)  
30 September - 1 October 2009, Sofitel Philippine Plaza Manila

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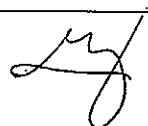
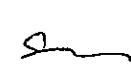

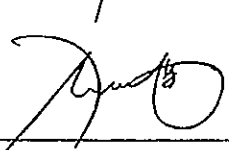
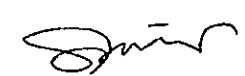
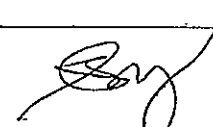

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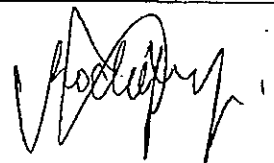
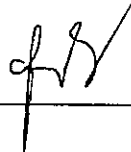

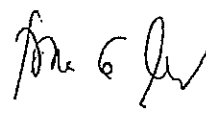
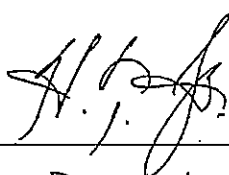

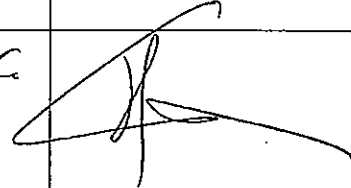

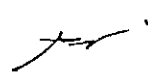
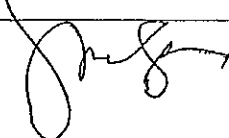
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RmED m. mntfau	Org.: BLR Tel.: Email:	Rey

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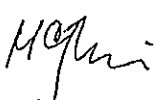

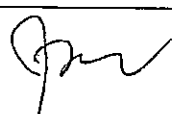
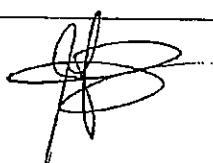

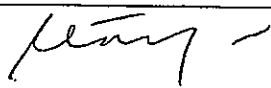

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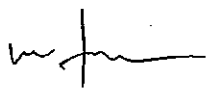
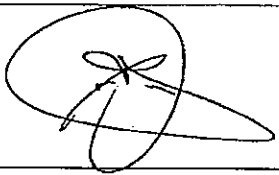
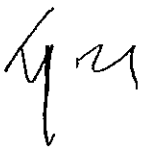


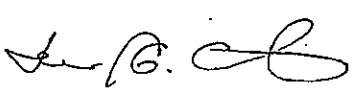
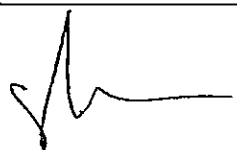

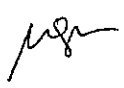
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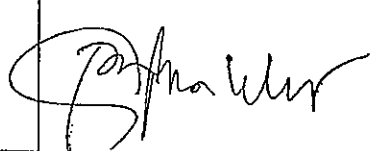
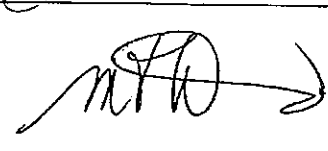




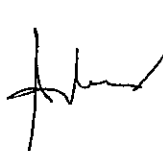
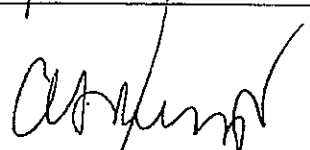
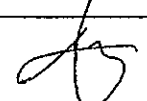

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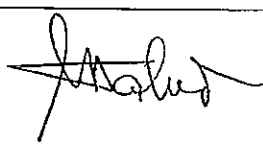
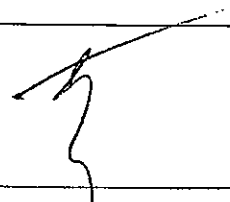

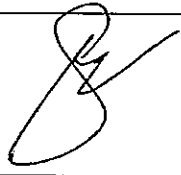
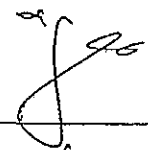

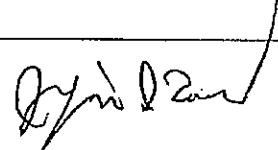
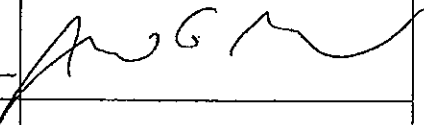

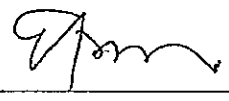
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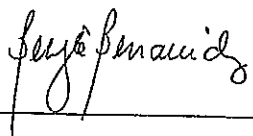





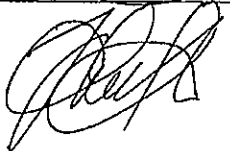

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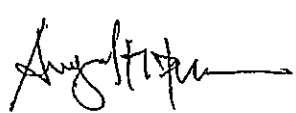
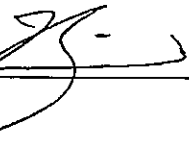
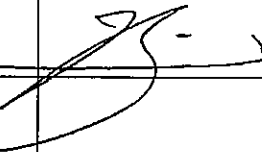



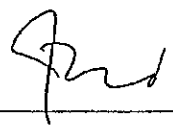

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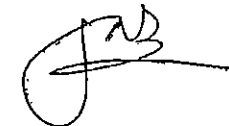
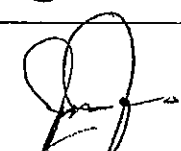
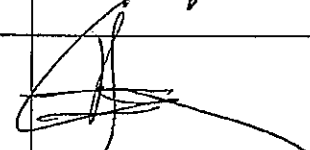


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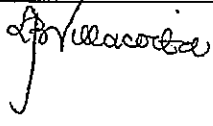
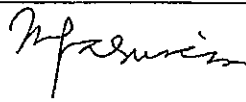
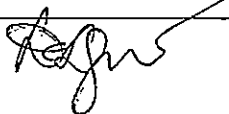





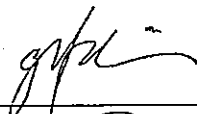

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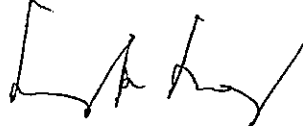
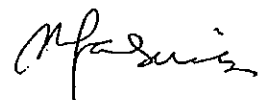
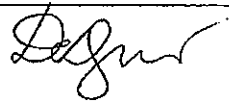




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DAY 2 Other

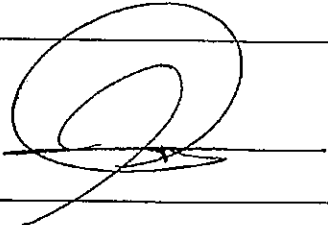
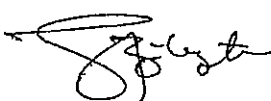
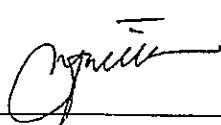
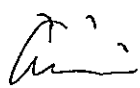
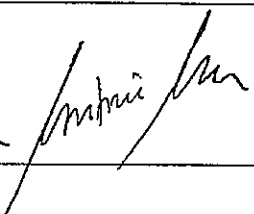

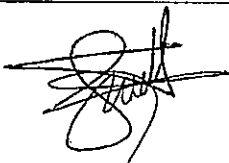
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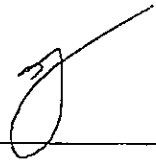
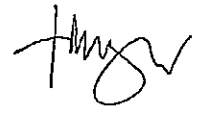
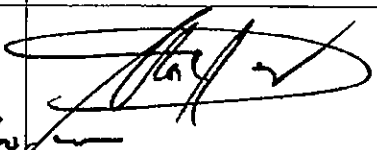
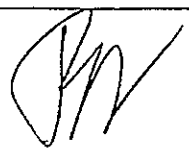



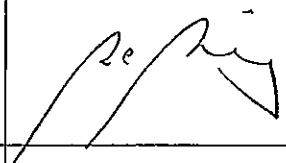
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TES MATUDAG	Org.: ILO Tel.: Email:	
Hero Merid	Org.: ILO Tel.: Email:	

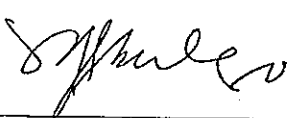


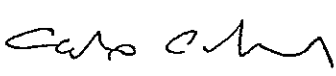
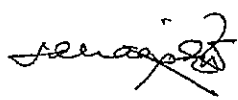
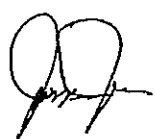
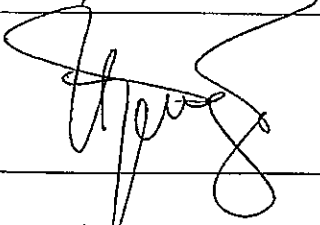
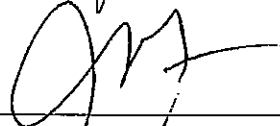

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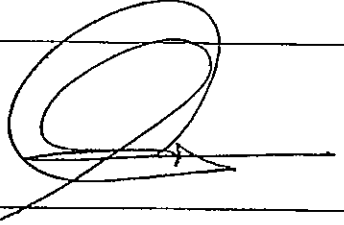
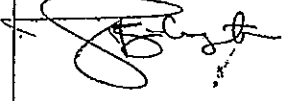
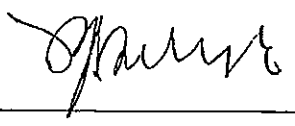
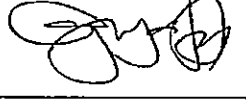
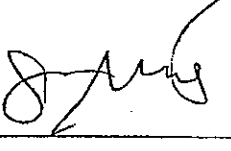
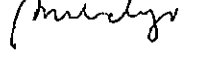
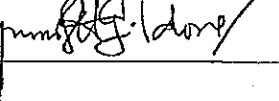
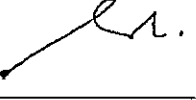

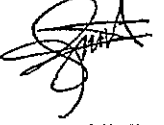
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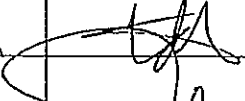


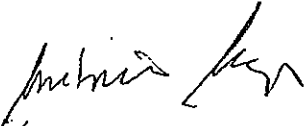
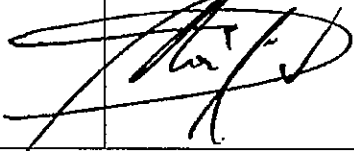
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30 September – 1 October 2009, Sofitel Philippine Plaza Manila

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## **Briefing on International Labor Standards and the ILO's Supervisory Mechanisms**

### **Background and Justification**

The Philippines has been a member of the ILO since 1948 and to date, has ratified thirty-three (34) ILO Conventions (32 of which are in force).

The Department of Labour and Employment (DOLE) issued Administrative Order No. 36, series of 2002 designated focal persons from different concerned DOLE offices and attached agencies in connection with the reporting obligations under the ILO Constitution. The objective was to facilitate the preparation of comprehensive and up-to-date replies.

The DOLE has encountered challenges collecting information from other offices - the right and complete information in a timely manner - including from those outside the DOLE. This may be attributed to the lack of understanding on what the ILO is, especially the obligations of members states, the nature ILO Conventions and information requirements of the different supervisory bodies of the ILO, particularly the Committee of Freedom of Association.

Many ILO Conventions ratified by the Philippines covered diverse subjects and technical areas which are also the concerns of other government agencies other than DOLE. Some of these government agencies also deal or provide reports on other UN international human rights instruments and may not necessarily use the ILO databases.

The above-mentioned challenges has affected the governments ability to comply with the reporting obligations and respond to information requests of the different ILO bodies in a timely manner. The main areas of interest are the reporting obligations under Article 22 and the Committee of Freedom of Association.

### **Objectives**

The general objective is to provide the participants with basic information and common understanding on the ILO, including its International Labor Standards System.

The basic orientation is also expected to give the participants a clearer understanding of the important role each one of them has to play in ensuring compliance with Philippine obligations as a member State of the ILO, particularly in the preparation of comprehensive and timely submission of periodic reports. For the government, specific objectives are as follows:

- a. To establish/create ILS focal persons in each of the participating agencies, build their capabilities as focal point to effectively perform their functions;
- b. To raise the level of awareness of the participants on the importance of quality and timely submission of Philippine country replies to the ILO; and
- c. To strengthen internal and external linkages among the participating agencies.

### **Expected Output**

- d. Creation of ILS focal point/person in every partner/participating agency
- e. Statement of commitment of the ILS focal point/person on ILS
- f. Comprehensive and up-to-date submission of the Department's compliance/periodic reports on ILS





# The International Labour Organization and International Labour Standards

by  
Dr. Cleopatra Doumbia-Henry  
Director  
International Labour Standards Department  
The Philippines  
*30 September 2009*



## International Labour Organization

- Was founded in 1919
- Is a United Nations specialized agency
- Has 183 Member States
- Is the only international tripartite organization



## ILO objectives and principles

- 1919 – ILO Constitution
- 1944 – Declaration of Philadelphia
- 1998 – Declaration on Fundamental Principles and Rights at Work and its Follow-up
- 2008 – Social Justice Declaration
- 2009 – ILO Global Jobs Pact
- 2009 – ILO at 90




## ILO objectives and principles

- Universal and lasting peace can be established only if it is based upon social justice
- Labour is not a commodity
- Freedom of expression and association are essential to sustained progress
- All human beings, irrespective of race, creed or sex have the right to pursue both their material well-being and their spiritual development in conditions of [...] equal opportunities

PREAMBLE TO THE ILO CONSTITUTION, 1919


DECLARATION OF PHILADELPHIA, 1944

DECLARATION ON SOCIAL JUSTICE FOR A FAIR GLOBALIZATION,  
2008



# Tripartism

- Tripartism is the active participation of workers and employers, together with governments, on an equal footing in all discussions and decision-making processes



# ILO Structure

4 delegates per member State

1 workers' delegate

2 governments' delegates

1 employers' delegate

14 workers' representatives

28 governments' representatives

14 employers' representatives



## International Labour Standards (ILS)

### CONVENTIONS

- International treaties
- When ratified are legally binding
- If not ratified, are sources of inspiration for domestic law
- Variable content (Conventions recognizing fundamental rights, technical or promotional Conventions)
- 188 Conventions

### RECOMMENDATIONS

- Not open to ratification
- Not legally binding
- Provide general or technical guidelines for national action
- 199 Recommendations



## Elaboration and adoption of ILS

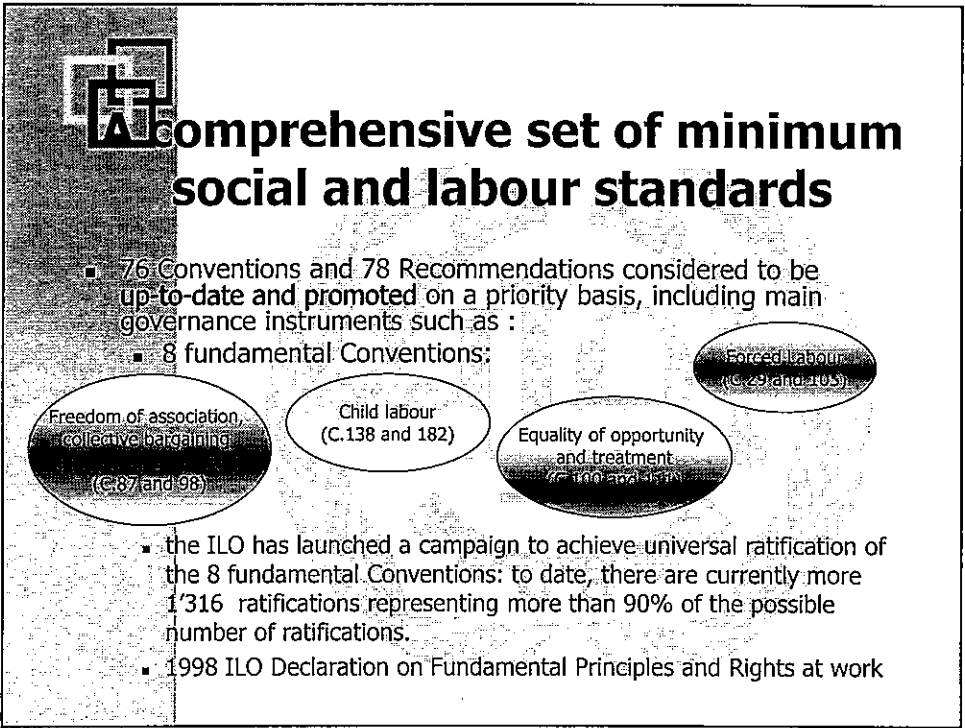
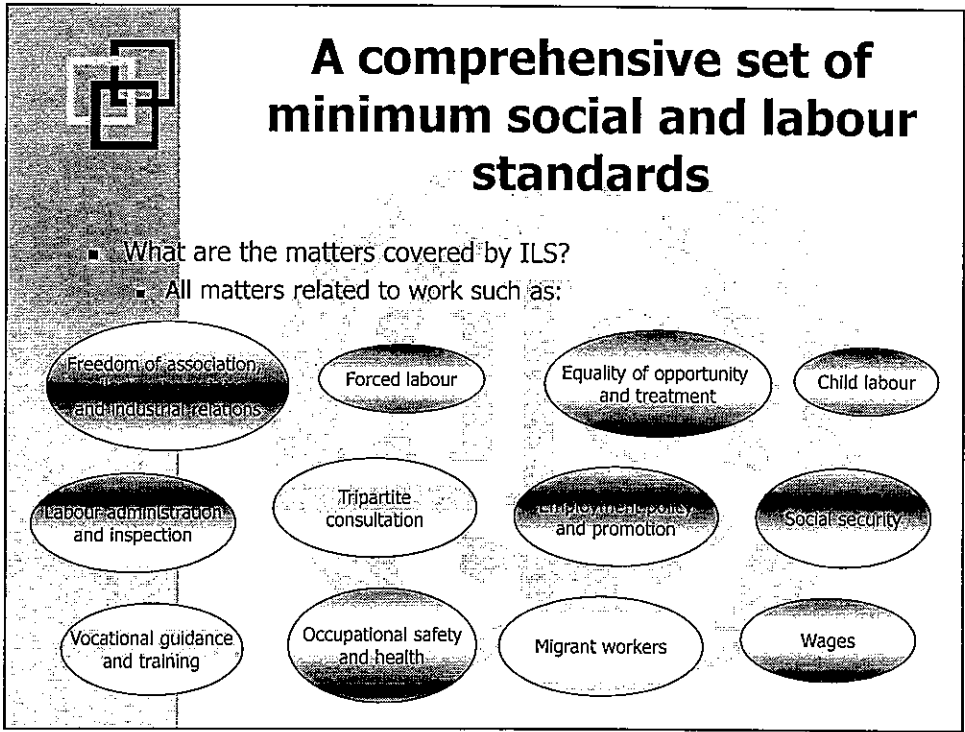
### International Labour Conference

- Tripartite uniqueness
- Global
- 2 year process

Generally high-rate of  
voluntary ratification

To date, 7,642 ratifications  
at 30 September 2009







## minimum social and labour standards (Cont'd)

- 4 priority Conventions:

Labour inspection  
(C.81 and 129)

Tripartite consultation  
(C.144)

Employment policy  
(C.122)

- the ILO has recently launched a promotional campaign for the ratification and effective implementation of these Conventions :  
to date there are currently 410 ratifications representing more than 55% of the possible number of ratifications.



## ILO fundamental Conventions

ALL ILO MEMBER STATES, IRRESPECTIVE OF THE  
RATIFICATION OF THESE CONVENTIONS, HAVE THE  
OBLIGATION TO RESPECT THE PRINCIPLES THEY SET  
OUT

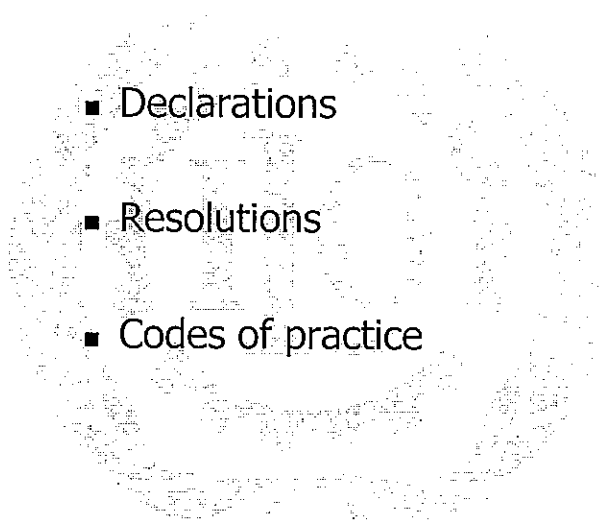
(ILO Declaration on Fundamental Principles and Rights at Work, 1988)

- C87 Freedom of Association and Protection of the Right to Organise Convention, 1948
- C98 Right to organise and Collective Bargaining Convention, 1949
- C29 Forced Labour Convention, 1930
- C105 Abolition of Forced labour Convention, 1957
- C138 Minimum Age Convention, 1973
- C182 Worst Forms of Child Labour Convention, 1999
- C100 Equal Remuneration Convention, 1951
- C111 Discrimination (Employment and Occupation) Convention, 1958



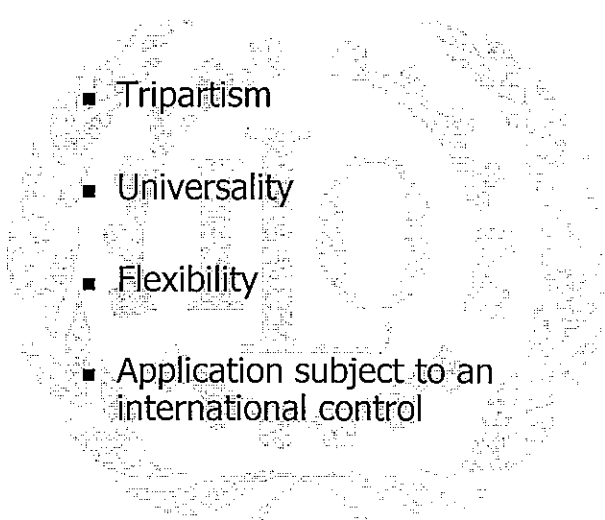
## Other ILO instruments

- Declarations
- Resolutions
- Codes of practice



## Characteristics of ILS

- Tripartism
- Universality
- Flexibility
- Application subject to an international control





## Types of provisions to be found in ILO Conventions

- Provisions granting in an unconditional manner clear and precise rights
- Provisions granting rights of a general nature whose content is not specified by the instrument
- Provisions granting rights and allowing States to decide the conditions for their implementation



## Types of provisions to be found in ILO Conventions

- Directive like provisions requiring States to adopt measures to apply in domestic law the guarantees recognized by the Convention
- Provisions of a programmatic nature requiring States to adopt and implement a general policy



## Ratification

- Is the official commitment by a Member State to be bound by the provisions of a Convention under international law
- Is a political decision
- Cannot involve reservations



## Ratification

- Consequences:
  - (1) implementation of the Convention, both in law and in practice;
  - (2) oversight by the supervisory mechanisms



## ILO supervisory mechanisms

### REGULAR SYSTEM OF SUPERVISION

- Based on the obligation to report on the application of each ratified Convention

### SPECIAL SYSTEMS OF SUPERVISION

- Involve cases of specific allegations of non-compliance by a Member State



## Most relevant ILO supervisory bodies

- Committee of Experts on the Application of Conventions and Recommendations (CEACR)
- Conference Committee on Applications of Conventions and Recommendation
- Committee on Freedom of Association (CFA)



## Functions of the ILO supervisory bodies



- Supervise the respect of ILO Member States obligations stemming from ILS
- In so doing, clarify the meaning and scope of ILS provisions
- Through their action, a body of "case law" has been built up progressively

## International Labour Standards



### Relevance of ILO International Labour Standards to Parliaments?



- Article 19, paragraph 5(b) of the ILO Constitution provides for a specific role for Parliaments concerning newly adopted ILS as regard action to be taken at the national level.

International Labour Standards

### Minimum social and labour standards internationally agreed between the tripartite ILO Constituents


- How are ILS adopted by the ILO?
  - ↳ A unique legislative process involving tripartite representatives from governments, workers and employers from the 183 ILO member States
  - ↳ The International Labour Conference adopts ILS at a two-thirds majority of votes
    - The adoption can take place either after a single discussion at the Conference or a double discussion






International Labour Standards

### Minimum social and labour standards internationally agreed between the tripartite ILO Constituents

- ILS adopted by the Conference are:




Universal


Flexible


An expression of tripartite international consensus

  - Both the Constitution and many ILS seek to take account of national circumstances and provide for flexibility in the implementation of Conventions, to take account of the circumstances of countries
    - ILS with flexibility clauses (for example, allowing member States to temporarily exclude certain limited categories of workers)
    - The particular example of the Maritime Labour Convention, 2006: "firm on rights and flexible on how to implement"
- The adoption or ratification of ILS does not affect any provision for more favourable conditions, under, for example, applicable national legislation





International Labour Standards

### ILS as an effective guide for the governance of the world of work

- What does ratification of Conventions mean in the specific ILO context:
  - c. A formal commitment to give effect, both in law and practice, to the provisions of a Convention
    - Entry into force of Conventions: generally, 12 months after registration of the second ratification ("initial entry into force") or after registration of the ratification



International Labour Standards

### ILS as an effective guide for the governance of the world of work

- What does ratification of Conventions mean in the specific ILO context:
  - c. **Reporting obligation:** submission of reports by ILO member States on measures taken to implement the Convention; the country becomes thus subject to the ILO supervisory system
    - Under the ILO Constitution, countries have to submit regular reports (every 2 years for fundamental and priority Conventions and 5 years for others) on the measures taken to implement ratified Conventions;

When  
 consultations  
 of employers and workers  
 to take place



In all cases reports to be copied  
 to representative organizations  
 of employers and workers

International Labour Standards

### ILS as an effective guide for the governance of the world of work

- ➔ How can ILS be used?
  - ↳ Models and targets for labour law :
    - When considering ratification, countries examine and, if necessary, revise, their legislation and policies to achieve compliance
      - ILS thus serve as a target for harmonizing national law and practice in a particular field
      - ILS may be used as models for drafting laws and policies even if no ratification is envisaged



International Labour Standards

### ILS as an effective guide for the governance of the world of work

- ➔ How does the ILO help countries to implement ILS?
  - ↳ Through dialogue with its supervisory bodies examining reports submitted by countries:
    - the Committee of Experts on the Application of Conventions and Recommendations (independent legal experts) and the Committee on the Application of Standards of the International Labour Conference (tripartite body)

The Committee of Experts' annual report (published worldwide) offers a comprehensive state of play concerning the application of Conventions across the world and

The Conference Committee's report outlines the work done on which there has been a tripartite dialogue with the participation of the Governments concerned

International Labour Standards



### ILS as an effective guide for the governance of the world of work

→ How does the ILO help countries to implement ILS

Other forms of assistance provided whereby ILO officials or other experts help countries address legislative and practical issues in order to bring them in line with ILS

Advisory missions, promotional activities including seminars and workshops to raise awareness and build capacity, assistance in drafting technical advice

Technical cooperation activities (e.g. ILO)





International Labour Standards

### Why are ILO International Labour Standards (ILS) relevant?

→ ILS are:


- The most comprehensive set of internationally agreed minimum social and labour standards
- A means to ensure that economic development remains focused on improving human life and dignity
- A cornerstone of good governance and balanced economic and social development
- A means of improving economic performance
- A strategy to reduce poverty: protection of workers in the informal economy
- An important tool for countries to shape and implement regional economic arrangements containing a social dimension and contributing to advancing the Decent work agenda.



International Labour Standards

### ILS and the UN system



- ILS are part of the normative basis of the Human Rights-Based Approach to development
- ILO Conventions are of direct relevance for the realization of human rights, particularly the economic and social rights
  - Example: UNDG Guidelines on Indigenous Issues (2008) are based on UN and ILO instruments; CERD; Human Rights Council, CESCR, etc.
- CCA/UNDAF process: analysis and programming informed by the countries' international obligations and the guidance reflected in ILS
- The General Assembly adopted in 2008 a resolution on the ILO Declaration on Social Justice for a Fair Globalization



International Labour Standards

### ILS and the Philippines



- The Philippines became an ILO member State in 1948
- Ratified 34 Conventions to date, including the 8 fundamentals and two of the governance instruments, Cs. 122,144



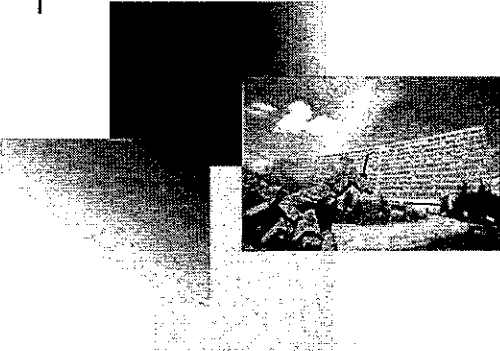
International Labour Standards

ILS and The Philippines

➔ Philippine Common Agenda 2008-10 aims to achieve tripartite consensus to ratify a number of ILO Conventions set out in three categories.



International Labour Standards



*Thank you for your attention*

How to contact us:  
International Labour Office  
International Labour Standards  
Department  
<http://www.ilo.org/standards>



# The International Labour Organization (ILO) & International Labour Standards (ILS)

Tim De Meyer,  
Senior Specialist on International Labour Standards &  
Labour Law  
International Labour Office, Bangkok Subregional  
Office for East Asia (SRO Bangkok), Thailand

## Part I International Labour Organization, International Labour Standards and Decent Work

2

## International Labour Organization (ILO)

- Organization of Governments, Employers and Workers from 183 countries
- Mandate to promote social justice through decent work as a matter of
  - respect for individual dignity
  - economic and social development
  - international peace and stability

3

## Decent Work

- Decent work ~ work which provides women & men a livelihood, but ALSO
  - the power to negotiate a fair share of the wealth created through work (fundamental rights at work)
  - protection against risks at work and life's uncertainties (social protection)
  - the opportunity to influence and shape decisions affecting life inside and outside the workplace (social dialogue)

4



## Decent Work Pillars

- To promote and realize fundamental principles and rights at work
- To create greater opportunities for women and men to secure decent employment and income
- To enhance the coverage and effectiveness of social protection for all
- To strengthen tripartism & social dialogue

5

## ILO means of action

- Setting and supervising the application of international labour standards
- Providing technical cooperation to developing countries
- Collecting and disseminating information (knowledge)

6

## ILO : Organizational Structure

- International Labour Conference
  - Tripartite « world assembly » of labour
  - (1 E + 2 G + 1 W) x 183
  - Adopts Conventions and Recommendations
  - Key role in "regular supervision" of ILS
- Governing Body of the IL Office
  - Tripartite executive council
  - 14 E + 28 G (10) + 14 W
  - Sets agenda of the Conference
  - Key role in "complaints-based supervision" of ILS
- International Labour Office
  - Secretariat, headed by a Director-General
  - International Labour Standards Department

7

## International Labour Standards

### ■ Conventions

- If ratified, they are binding under *international law*
- If not ratified, they influence national law & policy
- Protocols may only be ratified together with their Convention

### ■ Recommendations

- Same authority as Conventions
- Not open to ratification
- Guidelines or higher standards

8

## International Labour Standards

- Since 1919, 188 Conventions & 199 Recommendations adopted
- 76 C (+ 5 Protocols) & 76 R are up-to-date
  - the other Conventions & Recommendations are up for revision, abrogation, review ... over time

9

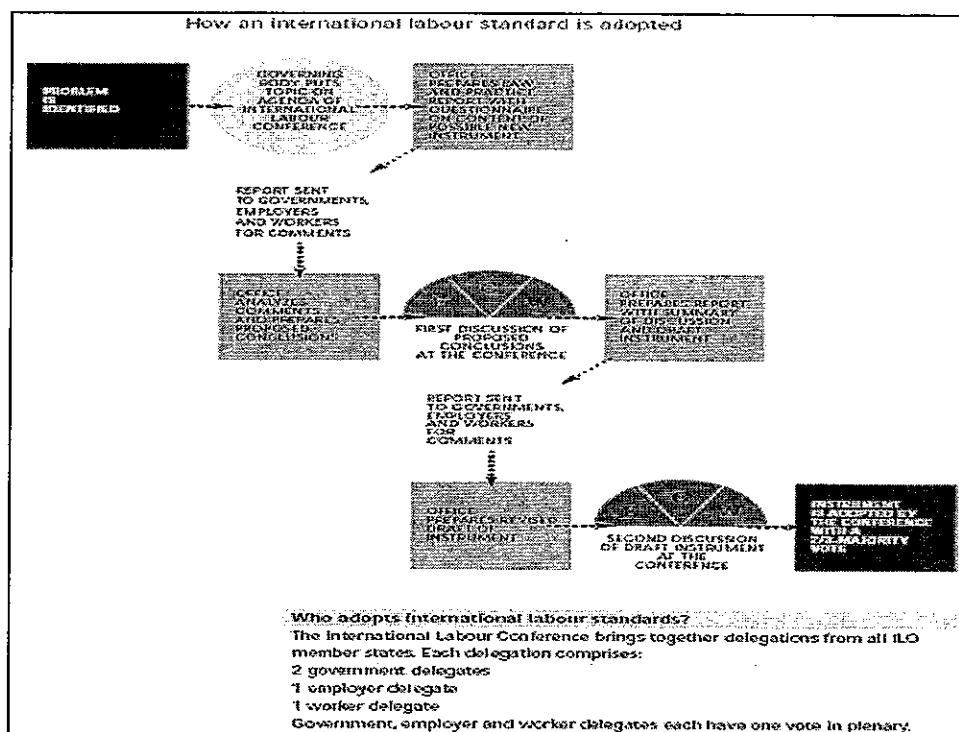
- Eight are up-to-date fundamental C., setting standards on 4 principles at work fundamental to globalization (Declaration on Fund Principles & Rights at Work, 1998)
  - freedom of association and collective bargaining
  - elimination of forced labour
  - abolition of child labour
  - elimination of discrimination at work
- Four Conventions are governance C.
  - employment policy
  - labour inspection (2)
  - tripartite consultation

10

# IL Standards Terminology

- Adoption (= creation)
- Submission to the competent authorities (= dissemination and orientation)
- Ratification (= commitment)
- Denunciation (= cancelling commitment)
- Application (= law and practice)
- Supervision (= monitoring application by ILO)

11



## Part II

### International Labour Standards Ratification Status (Global / Regional)

13

### Ratification in Asia Pacific

- Ratification average at about 66 % of world average, 40 % of OECD average
  - 60 - 40 - 24 - 15
- East Asia ratifications significantly lower than in the rest of Asia
- Many countries start to ratify again after long periods of « drought »
- Ratification record dominated by older technical Conventions, but fundamental Conventions are on the rise

14

Fundamental Conventions as of 1 September 2009 / ILO:183 Member States

Year	No.	Official Title	Ratifications
1930	29	Forced labour	(174)
1948	87	Freedom of Association and Protection of the Right to Organise	(150)
1949	98	Right to Organise and Collective Bargaining	(160)
1951	100	Equal Remuneration	(167)
1957	105	Abolition of Forced Labour	(171)
1958	111	Discrimination (Employment & Occupation)	(169)
1973	138	Minimum Age	(154)
1999	182	Worst Forms of Child Labour	(171)

15

<i>(C. in force)</i>	29	87	98	100	111	105	138	182
<b>Brunei (1)</b>								2008
<b>Cambodia (13)</b>	1969	1999	1999	1999	1999	1999	1999	2006
<b>Indonesia (18)</b>	1950	1998	1957	1958	1999	1999	1999	2000
<b>Lao PDR (8)</b>	1964			2008	2008		2005	2005
<b>Malaysia (14)</b>	1957		1961	1997		x	1997	2000
<b>Myanmar (19)</b>	1955	1955						
<b>Philippines (34)</b>	2005	1953	1953	1960	1953	1960	1998	2000
<b>Singapore (20)</b>	1965		1965	2002		x	2005	2001
<b>Thailand (15)</b>	1969			1999		1969	2004	2001
<b>Viet Nam (18)</b>	2007			1997	1997		2003	2000 <sup>16</sup>



	122	81	129	144
Brunei				
Cambodia	1971			
Indonesia		2004		1990
Lao PDR				
Malaysia		1963		2002
Myanmar				
Philippines	1976			1991
Singapore		1965		
Thailand	1969			
Viet Nam		1994		2008 <sub>19</sub>

	122	81	129	144
<i>China</i>	1997			1990
<i>RoKorea</i>	1992	1992		1999
<i>Japan</i>	1986	1953		2002
<i>U.S.</i>				1988
<i>Canada</i>	1966			20



# Part III International Labour Standards Ratification Status (Philippines)

21

Philippines		
Member since 1948		34 Conventions ratified (32 in force)
C. 17	Workmen's Compensation (Accidents) Convention, 1925 (No. 17)	27.11.1950
C. 19	Equality of Treatment (Accident Compensation) Convention, 1925 (No. 19)	26.04.1954
C. 23	Repatriation of Seamen Convention, 1926 (No. 23)	27.11.1950
C. 29	Forced Labour Convention, 1930 (No. 29)	25.07.2005
C. 53	Officers' Competency Certificates Convention, 1936 (No. 53)	27.11.1960
C. 77	Medical Examination of Young Persons (Industry) Convention, 1946 (No. 77)	27.11.1960
C. 87	Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)	29.12.1953
C. 88	Employment Service Convention, 1948 (No. 88)	29.12.1953
C. 89	Night Work (Women) Convention (Revised), 1948 (No. 89)	29.12.1953
C. 90	Night Work of Young Persons (Industry) Convention (Revised), 1948 (No. 90)	29.12.1953
C. 93	Wages, Hours of Work and Manning (Sea) Convention (Revised), 1949 (No. 93)	29.12.1953
	<i>Convention not in force</i>	
C. 94	Labour Clauses (Public Contracts) Convention, 1949 (No. 94)	29.12.1953
C. 95	Protection of Wages Convention, 1949 (No. 95)	29.12.1953
C. 97	Migration for Employment Convention (Revised), 1949 (No. 97)	21.04.2005 new
C. 98	Right to Organise and Collective Bargaining Convention, 1949 (No. 98)	29.12.1953
C. 99	Minimum Wage Fixing Machinery (Agriculture) Convention, 1951 (No. 99)	29.12.1953
C. 100	Equal Remuneration Convention, 1951 (No. 100)	29.12.1953
C. 105	Abolition of Forced Labour Convention, 1957 (No. 105)	27.11.1960
C. 110	Plantations Convention, 1958 (No. 110)	20.10.1968
C. 111	Discrimination (Employment and Occupation) Convention, 1958 (No. 111)	27.11.1960
C. 118	Equality of Treatment (Social Security) Convention, 1962 (No. 118)	26.04.1994
	<i>Has accepted Amendments 1 to 10</i>	
C. 122	Employment Policy Convention, 1964 (No. 122)	13.01.1976
C. 138	Minimum Age Convention, 1973 (No. 138)	4.06.1998
	<i>Withdrawn and modified 15 years</i>	
C. 141	Rural Workers' Organisations Convention, 1975 (No. 141)	18.06.1979
C. 143	Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143)	14.07.2006
C. 144	Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144)	20.06.1991
C. 149	Nursing Personnel Convention, 1977 (No. 149)	18.06.1979
C. 157	Maintenance of Social Security Rights Convention, 1982 (No. 157)	26.04.1994
C. 159	Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983 (No. 159)	23.08.1991
C. 165	Social Security (Seafarers) Convention (Revised), 1987 (No. 165)	9.11.2004
	<i>Has accepted the obligations of Article 9 of the Convention in respect of the branches mentioned in Article 1 (a), (b), (c), (d), (e) and (f)</i>	
C. 176	Safety and Health in Mines Convention, 1995 (No. 176)	27.02.1998
C. 179	Recruitment and Placement of Seafarers Convention, 1996 (No. 179)	13.03.1998
C. 182	Worst Forms of Child Labour Convention, 1999 (No. 182)	28.11.2000
Denunciation (as a result of the ratification of Convention No. 138)		
C. 14	Minimum Age (Industry) Convention (Revised), 1937 (No. 14)	27.11.1966

Philippines	
Ratification status of up-to-date conventions	
Overview	
Ratified: 23	Possibilities for ratification: 58    Denounced: 0
Ratified	
C029: <u>Forced Labour Convention, 1930</u> (15.07.2005) C077: <u>Medical Examination of Young Persons (Industry) Convention, 1946</u> (17.11.1960) C087: <u>Freedom of Association and Protection of the Right to Organise Convention, 1948</u> (29.12.1953) C094: <u>Labour Clauses (Public Contracts) Convention, 1949</u> (29.12.1953) C095: <u>Protection of Wages Convention, 1949</u> (29.12.1953) C097: <u>Migration for Employment Convention (Revised), 1949</u> (21.04.2009) C098: <u>Right to Organise and Collective Bargaining Convention, 1949</u> (29.12.1963) C100: <u>Equal Remuneration Convention, 1951</u> (29.12.1953) C105: <u>Abolition of Forced Labour Convention, 1957</u> (17.11.1960) C110: <u>Plantations Convention, 1953</u> (10.10.1968) C111: <u>Discrimination (Employment and Occupation) Convention, 1958</u> (17.11.1960) C118: <u>Equality of Treatment (Social Security) Convention, 1962</u> (26.04.1994) C122: <u>Employment Policy Convention, 1964</u> (13.01.1976) C136: <u>Minimum Age Convention, 1973</u> (04.06.1998) C141: <u>Rural Workers' Organisations Convention, 1975</u> (18.06.1979) C144: <u>Tripartite Consultation (International Labour Standards) Convention, 1975</u> (10.05.1991) C149: <u>Nursing Personnel Convention, 1977</u> (18.06.1979) C157: <u>Maintenance of Social Security Rights Convention, 1982</u> (25.04.1994) C159: <u>Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983</u> (23.03.1991) C165: <u>Social Security (Seafarers) Convention (Revised), 1987</u> (09.11.2004) C176: <u>Safety and Health in Mines Convention, 1995</u> (27.02.1998) C179: <u>Recruitment and Placement of Seafarers Convention, 1996</u> (13.03.1996) C182: <u>Worst Forms of Child Labour Convention, 1999</u> (28.11.2000)	

# RP - Ratification Fact Sheet

- 34 Conventions ratified, 32 in force
- 23 ratified Conventions up-to-date
- (all) 8 fundamental Conventions ratified
- 2 of 4 governance Conventions ratified
  - labour inspection in industry and commerce (C. 81) & labour inspection in agriculture (C. 129) not yet ratified

- 11 ratified Conventions NOT up-to-date
  - 5 maritime Conventions (protection of seafarers) already revised by the Maritime Labour Convention, 2006 (C. 23, C. 53, C. 93, C. 165, C. 179)
  - 1 governing night work of women ~ C. 89 to be complemented with P89 or denounced in connection with ratification of C. 171
  - 2 governing protection of young persons
    - C. 77 (medical examination) ~ ratification to be maintained but information on the need for revision welcome
    - C. 90 (night work) ~ Convention to be revised
  - 2 governing employment injury benefits
    - C. 17 ~ revised by C. 121
    - C. 19 (equal treatment for migrant workers) ~ not revised, complemented by C. 118
  - 1 governing minimum-wage fixing
    - C. 99 (minimum-wage fixing in agriculture) ~ should not be denounced, also not revised by C. 131, but GB requests to contemplate ratifying C. 131

25

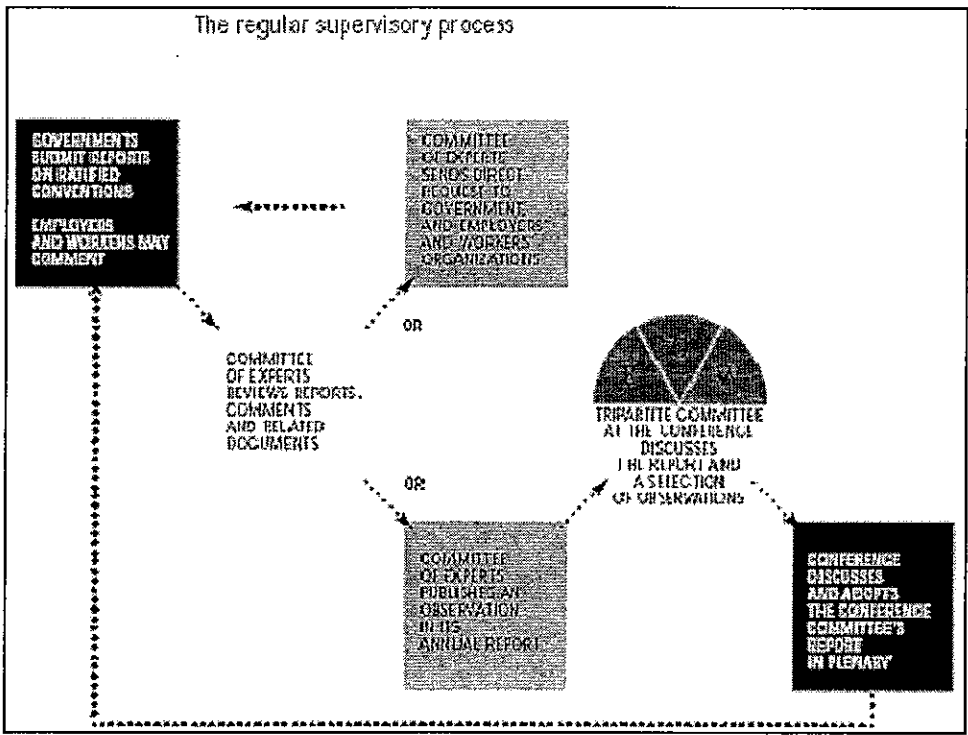
- 58 possibilities for ratifying up-to-date international labour standards
  - since C. 144 is ratified, tripartite consultations with respect to unratified Conventions should be held regularly
  - areas for progress
    - occupational safety and health (C. 187 & C. 155)
    - human resources development (C. 142)
    - indigenous peoples @ 20 (C. 169)
    - social security (taking it beyond employment injury)

26

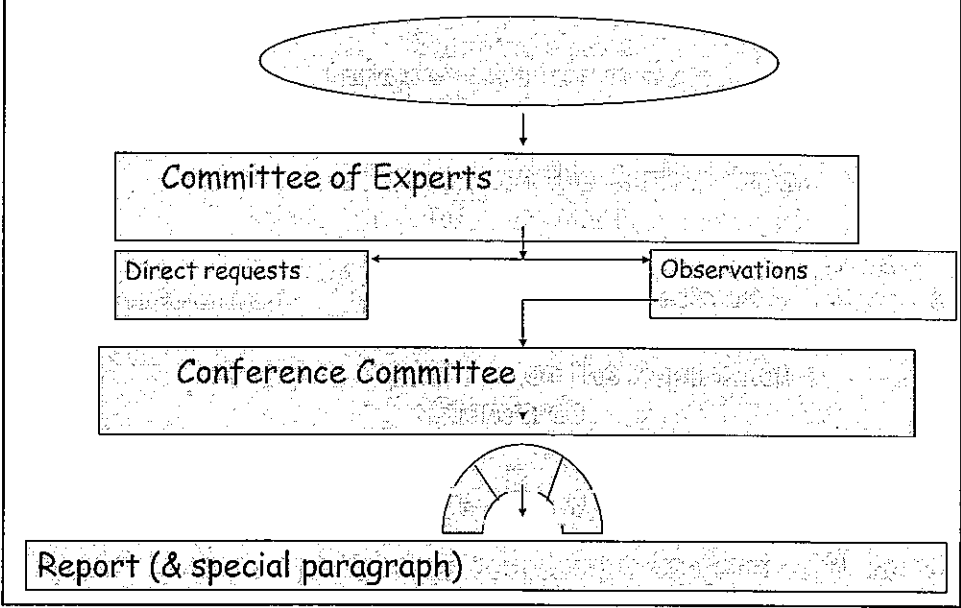
Part IV

ILO Supervisory Machinery

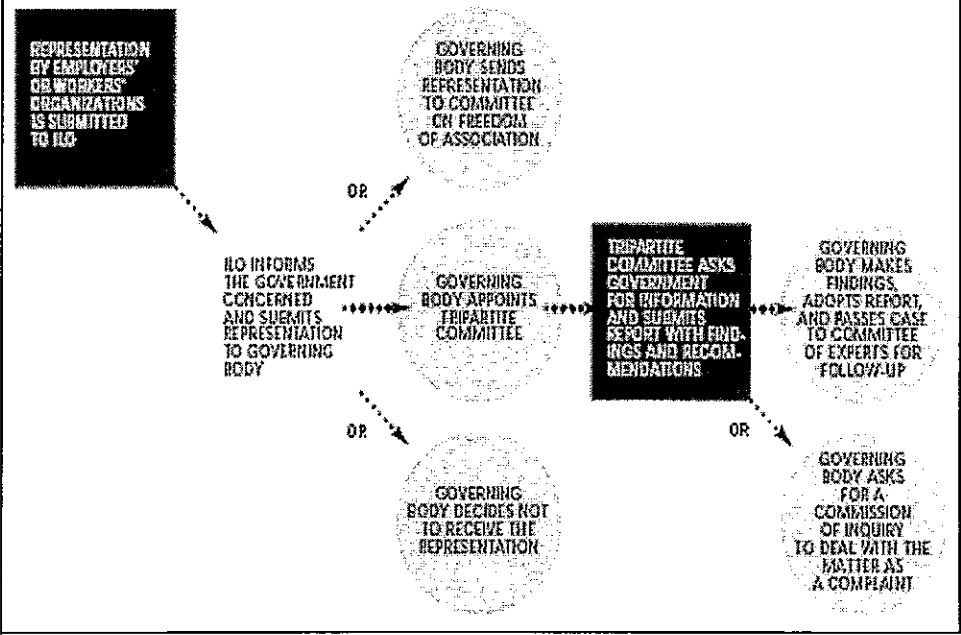
27



# Supervisory machinery

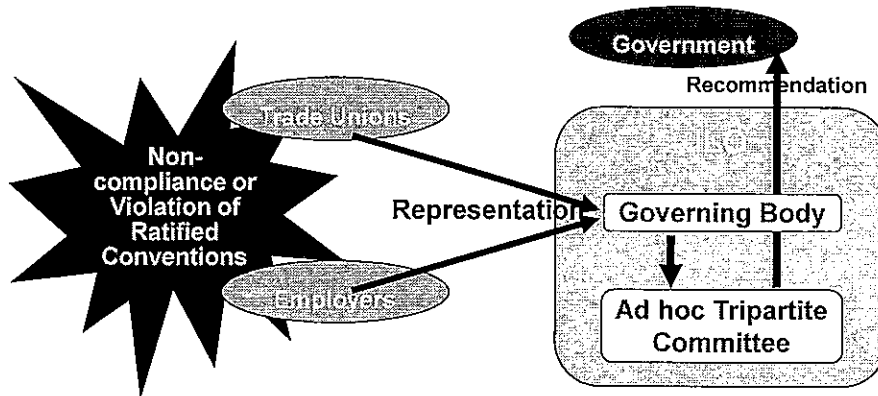


## The Representations procedure



## Special Mechanism 1: Art.24 Representation

- Representation can be filed, by trade unions or employers, in case of specific incidence of non-compliance or violation of ratified Conventions.



31

## Reports - Ratified Conventions

- Subsequent reports
  - Simplified: indicate minor changes, provides information on practical application
  - Detailed: in reply to comments made by the CEACR - can be out of reporting cycle in case of failure to report or to reply to earlier comments (« footnote » of the CEACR or the Conference Committee)

32

## Representation (art 24 Const'n)

- Can be filed by national or international organizations of workers or employers
- examination
  - by a tripartite committee (3 members), reporting to the Governing Body (GB) on the basis of written information
    - representation
    - reply, if any, of the Government

33

## Art. 24 Procedure

- (1) Office informs the Government and sends the representation to the GB
- (2) Officers of the GB report to the GB on fulfilment of conditions of receivability
  - writing
  - workers' or employers' organization
  - reference to art. 24 ILO Constitution
  - against an ILO member State...
    - (and ex-member State)
  - ...that has ratified the Convention
  - indication of violation of the Convention

34

## Art. 24 Procedure

- (3) tripartite Committee with GB members  
OR reference to the Committee on  
Freedom of Association
- (4) tripartite committee conducts private  
examination, and proposes to the GB  
conclusions and recommendations, but
  - committee may hear complainant
  - government may request
    - to be heard
    - direct contacts

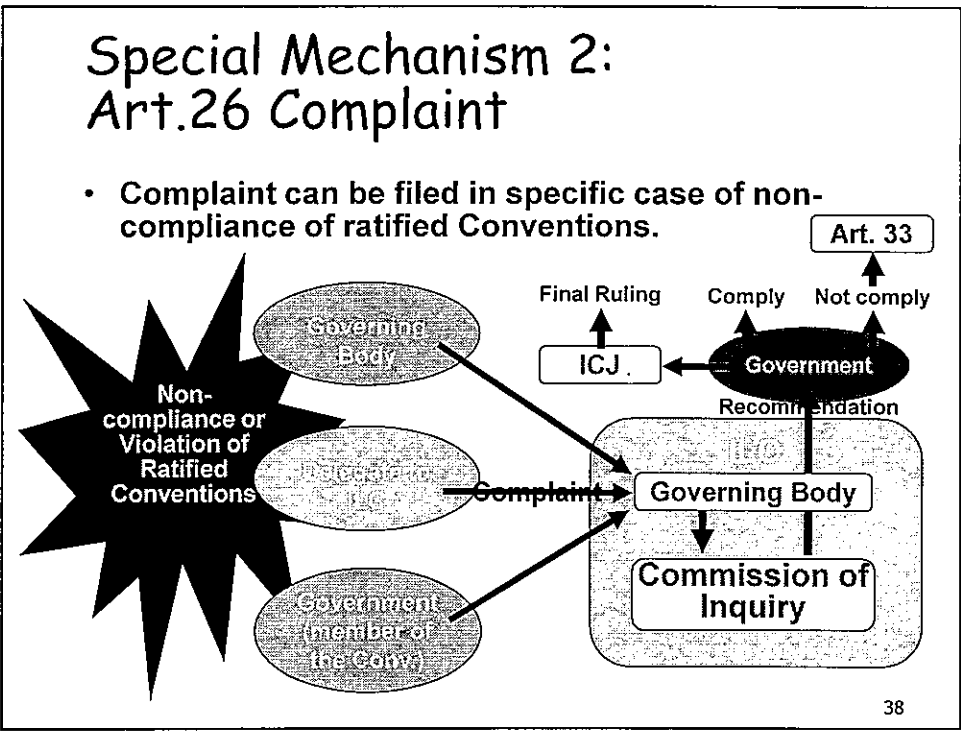
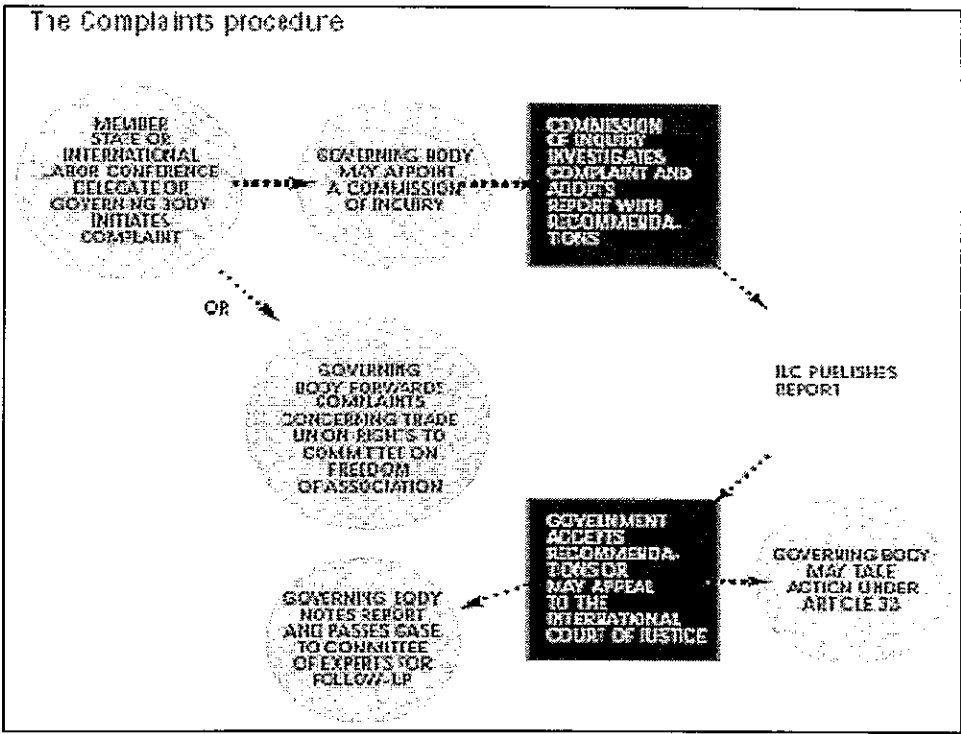
35

## Art. 24 Procedure

- (5) GB considers the matter in private in  
the presence of the Government
- (6) GB decides on whether to publish the  
representation and the reply, if any, in the  
Official Bulletin
  - GB can at any moment decide to have the  
representation further examined under the  
complaints procedure
    - e.g. C. 111 - Germany
- (7) Office notifies the decisions of the GB  
to the Government and the complainant

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## Complaint (art. 26 ILO Const'n)

- Can be filed by
  - (1) another ratifying Member State
  - (2) a delegate to the Conference, representing workers or employers
  - (3) the Governing Body
- Examination by Commission of Inquiry
  - members are appointed by the Governing Body in their personal capacity (not necessarily tripartite)

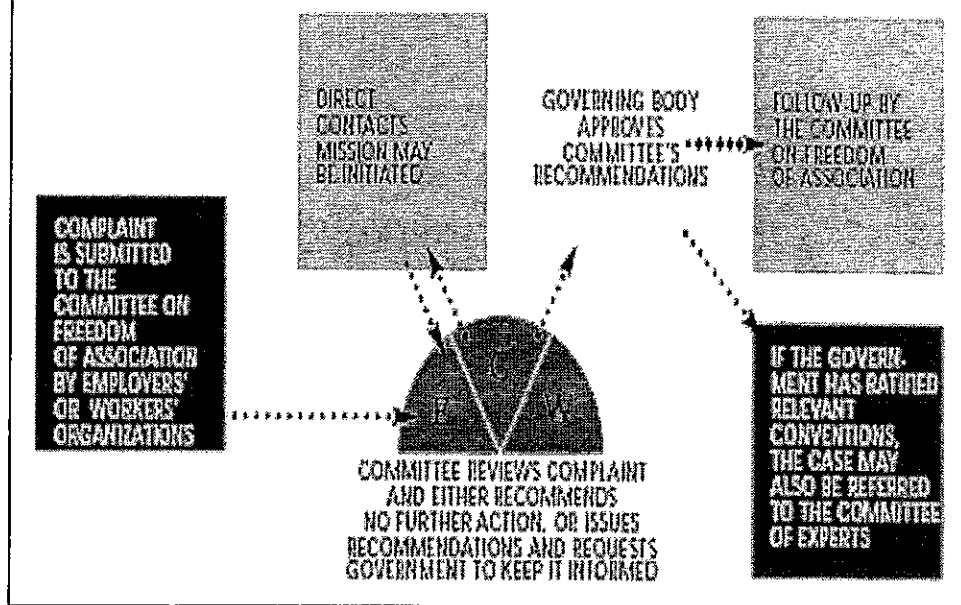
39

## Complaint (art. 26 ILO Const'n)

- basis     CoI establishes its own procedure
  - (evidence, hearing, local visits)
- result
  - (a) report published with recommendations (R)
  - (b) gov't accepts (R) or government does not accept (R) within 3 months
    - =     International Court of Justice
  - (c) gov't does not comply with (R)
    - =     any "appropriate measures" proposed by GB

40

## The Freedom of Association procedure



## Committee on Freedom of Association of GB

- Set up in 1951
  - originally to examine complaints for referral to Fact-Finding & Conciliation Committee
  - but involved without consent of States
  - it began examining the substance of cases
- composition : tripartite - 9 Governing Body members
- meeting : 3 reports a year

42

## Committee on Freedom of Association of GB

- examines
  - documentary evidence from complaints and replies
  - sometimes "direct contacts"
- scope of action

43

## CFA - Receivability

- which organizations ?
  - national with direct interest
  - international with consultative status (IOE, ICFTU, OATUU, WCL, WFTU, ETUC)
  - international for directly affiliated
- NO RATIFICATION REQUIRED
- specific infringements, no purely political allegations
- no exhaustion of national procedures required
- not bound by national recognition of "unions"
- not bound by withdrawal of complaint

44

## CFA - Scope of Action

- no general conclusions
- no interpretation of Conventions
- no conviction of Governments or levelling of charges
- recommendations, to be approved by the Governing Body
  - no call for further examination
  - interim or definitive conclusions
  - request to keep informed of progress on specific issues

45

## Part V Reporting

46

## Constitutional obligations

- "Art. 19" reporting on submission to the competent authorities (Congress)
- "Art. 19" reporting on selected unratified Conventions and Recommendations
  - 98 Declaration follow-up mechanism
  - 08 Declaration FU mechanism
- "Art. 22" reporting on ratified Conventions

47

## Submission

48

## Submission : what is it ?

- to bring newly adopted Conventions and Recommendations before the national authorities competent to legislate or take other action to give effect to the C. & R.
  - Government must send Report of Submission to the ILO
  - Copy of government's report must be sent to most representative workers' and employers' organizations

49

## Submission : why ?

- obtaining a decision from the competent authorities on action to take
  - submission must be accompanied by a statement of the government's view
  - (C. 144 = consultation !)
  - legislature should hold debate
- informing and mobilizing public opinion, thus submission to the legislative assembly even when
  - this assembly is not vested with legislative power or
  - the instrument does not require legislative action

50

## Submission : when ?

- DG sends a certified copy of the authentic text of the instruments to the Government
  - labour and/or foreign affairs ministers
- submission within 12 or, in exceptional circumstances, 18 months of adoption for
  - unitary states
  - federal states that consider the Convention or Recommendation appropriate for federal action
- submission within 18 months for federal states when action appropriate for by constituent states

51

## "General Survey" Reporting

52



## Art. 19 Reports : Features

- in respect of unratified Conv's & Recom's, by topic
- every year the ILO Governing Body selects a different subject matter
- follows a report form approved by GB
- Gov't reports normally due by 1 April of the reporting year
- Committee of Experts analyses reports with comments in a "General Survey"

53

## Art. 19 Reports : Purpose

- to document comparative law and practice
- to assess the extent to which effect has been given to the C. or R.
- to identify obstacles to ratification
- to establish need for promotion, revision, abrogation/withdrawal
- substantiate periodic review under the 2008 Declaration

54

## Art. 19 "surveys" : Topics

- 2003 - protection of wages
- 2004 - employment & Skills policy
- 2005 - hours of work
- 2006 - labour inspection
- 2007 - forced labour
- 2008 - labour clauses (public contracts)
- 2009 - occupational safety and health
- 2010 - employment policy
- 2011 - social security

55

## Reporting on Ratified Conventions

56

## Reports - Ratified Conventions

- Based on article 22 of the Constitution
- Periodic reports:
  - Two-yearly reports
    - 8 fundamental C.
    - 4 governance C.
  - Five-yearly reports other Conventions
  - No regular reports requested for outdated C.
  - Must reach the Office between 1 June and 1 September
  - (repeated) failure to report discussed at the Conference

57

## Reports - Ratified Conventions

- First report due one year after the entry into force
  - form approved by the Governing Body
  - Copies of relevant laws and regulations
  - Position on permitted exclusions, exceptions or Detailed report
  - Must reply to all questions set out in the report
  - Information on application in practice

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# Reporting on Ratified Conventions - the Philippines

59

Philippines	
Members since 1948	34 Conventions ratified (32 in force)
The Governments requested to communicate the following reports between 1 June and 1 September 2009	
C. 29	Forced Labour Convention, 1930 (No. 29) (Ratification: 2007) Report requested with replies to a Direct Request made by the CEACR in 2006
C. 87	Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) (Ratification: 1952) Report requested with replies to an Observation and a Direct Request made by the CEACR in 2006
C. 88	Employment Service Convention, 1948 (No. 88) (Ratification: 1952) Report requested with replies to a Direct Request made by the CEACR in 2005
C. 94	Labour Clauses (Public Contracts) Convention, 1949 (No. 94) (Ratification: 1952) Report requested with replies to an Observation made by the CEACR in 2006
C. 98	Right to Organise and Collective Bargaining Convention, 1949 (No. 98) (Ratification: 1951) ► The report has been received with replies to an Observation made by the CEACR in 2006
C. 105	Abolition of Forced Labour Convention, 1957 (No. 105) (Ratification: 1958) Report requested with replies to an Observation and a Direct Request made by the CEACR in 2007
C. 138	Minimum Age Convention, 1973 (No. 138) (Ratification: 1978) Normative age specified: 15 years Report requested with replies to a Direct Request made by the CEACR in 2007
C. 144	Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144) (Ratification: 1994) ► The report has been received with replies to a Direct Request made by the CEACR in 2006
C. 159	Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983 (No. 159) (Ratification: 1982) Report requested with replies to a Direct Request made by the CEACR in 2004
C. 176	Safety and Health in Mines Convention, 1995 (No. 176) (Ratification: 1998) Report requested with replies to a Direct Request made by the CEACR in 2005
C. 182	Work Forms of Child Labour Convention, 1999 (No. 182) (Ratification: 2000) Report requested with replies to an Observation and a Direct Request made by the CEACR in 2007

## Reporting 2009

- C. 105 ~ Abolition of forced labour.

### **Strong language**

- forced labour as a sanction for expressing political views potentially permitted in situations other than violence, preparation of violence or incitement to violence
- forced labour as a sanction of participation in strikes despite jurisdiction having been assumed in the national interest

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- C. 94 ~ Insertion of specific labour clauses in public contracts (e.g. construction, manufacturing of goods, supply of services) to ensure that these contracts are executed under conditions of labour which are not less favourable than those established by collective agreement, arbitration award or national laws or regulations for work of the same character in the trade or industry concerned in the district where the work is carried out. **Very strong language and report requested out of cycle**

- report only refers to the general applicability of national labour law in the execution of public contracts

- C. 182 ~ Worst forms of child labour

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## Reporting later

- C. 100 ~ Equal pay for men and women workers for work of equal value.  
**(Very) strong language + PSLINK art. 23 comment**
  - definition of "work of equal value" as work that is "identical or substantially identical"
  - no information whatsoever on job evaluations

63

- C. 17 ~ Limitation in time (50 months) of periodic payments for permanent partial incapacity. **Moderately strong language**
- C. 90 ~ Night work for young persons. RA 9231 does not provide for 12 consecutive hours of rest during the (night) period for persons below 18 years of age.

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- C. 89 ~ Prohibition of night work for women. **Strong language**
  - current system of exemptions from the prohibition could be made more acceptable by ratifying the Protocol
- C. 111 ~ Discrimination in employment and occupation. **Strong language**
  - lack of protection in law of women against discrimination in hiring
  - data, data and data on equality of opportunity and treatment for women and persons of all ethnic groups (including indigenous peoples), social classes and religious or political creeds in the public service

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## Part V

### Involvement of Employers' and Workers' Organizations

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## Involvement of Employers' and Workers' Organizations

- Constitutional obligation of the Gov't to communicate copies of information and reports sent to the ILO to the most representative organizations (article 23, paragraph 2, of the ILO Constitution)
- Allows these organizations to transmit their own views, to the Government or to the ILO

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## Involvement of Employers' and Workers' Organizations

- Under Convention No. 144, obligation to consult these organizations on:
  - Replies to questionnaire and comments on proposed new instruments
  - Submission of instruments to competent authorities
  - Re-examination of unratified Conventions and Recommendations
  - Reports on ratified Conventions
    - (according to Recommendation No. 152, on reports on unratified Conventions and Recommendations as well)
  - Proposals for denunciation of Conventions

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## Involvement of Employers' and Workers' Organizations

- Any organization of employers or workers (not only the most representative ones) can make comments on the application of ratified Conventions
  - At any time
  - Whether they have been consulted on the Government's report or not
  - Without any formal requirements (just indicate the Convention dealt with), by a letter to the Director General of the ILO

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## Involvement of Employers' and Workers' Organizations

- When organizations make comments on the application of ratified Conventions, these comments are
  - Transmitted to the Government, which is asked to provide its own views
  - Submitted to the CEACR
  - Mentioned in the report and often reflected in the comments of the CEACR

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## Freedom of Association, civil liberties and the ILO committees

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## Freedom of Association

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- Key to sound and equitable industrial relations
- The basis for promoting harmonious industrial relations and a climate of confidence and trust
- The Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87)

## FOA, human rights and civil liberties

- A system of democracy and the respect of fundamental human rights are essential to full and genuine FOA
- FOA is a human right universally recognized and protected (also see UN Covenant on Economic, Social and Cultural Rights)
- FOA recognized in the ILO Constitution, Declaration of Philadelphia and the Social Justice Declaration: it is essential to the Organization's tripartite structure and is an implementing right for other FPRW and ILS.

## Freedom of association: individual and collective rights

- Civil and political rights
- Freedom of expression
- The right of workers and employers freely to form and join organizations
- The right of these organizations to organize their own internal administration and activities and formulate their programmes



## Convention No. 87

- Workers and employers *without distinction whatsoever*
  - Public servants
  - Export processing zones
  - Agricultural workers
  - Contract labour
- Exceptions: police and armed services



## ILC 1970 Resolution on Trade Union Rights and their relation to Civil Liberties

- The right to life and personal safety
- The right to freedom and security of person from arbitrary arrest and detention
- Freedom of opinion and expression
- Freedom of assembly (before or at the time of meetings)
- The right to a fair trial by an independent and impartial tribunal
- The right to protection of the property of trade union organizations

## FOA, physical security and impunity

- The detention, arrest, physical threats, assaults or disappearances of leaders of workers' and employers' organizations for activities in connection with the exercise of their right to organize are blatant violations of FOA
- Impunity must not prevail. The absence of convictions reinforces the climate of violence and insecurity, extremely damaging to the exercise of trade union rights
- Genuine, free and independent workers' and employers' organizations cannot develop in a climate of violence and uncertainty

## Special machinery - CFA

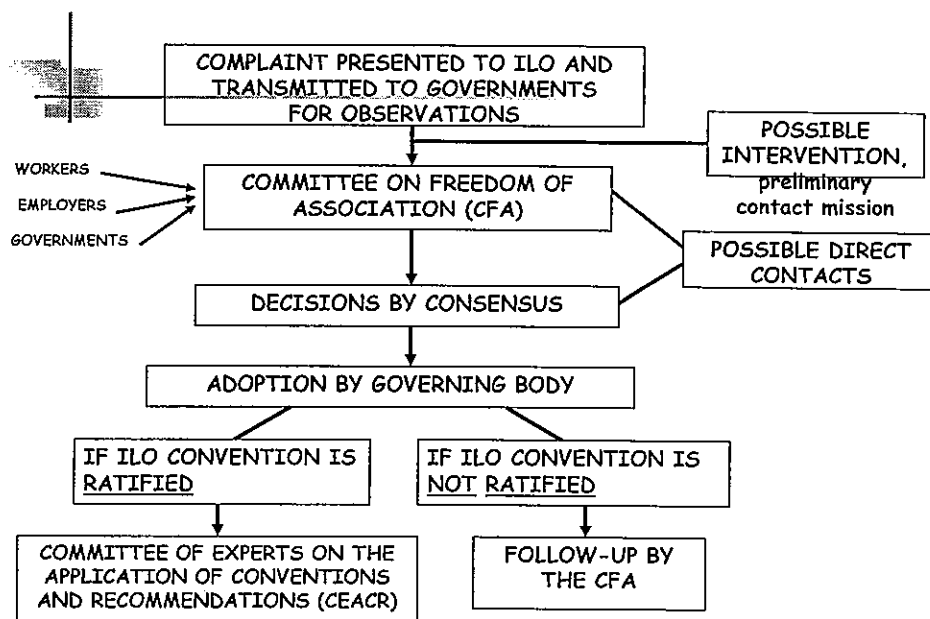
- Tripartite GB Committee
- Meets three times a year (March, May and November)
  - private session/confidential deliberations
- Complaints-based mechanism
- Neither ratification nor consent necessary
  - 2,700 cases since 1952
  - 180-90 cases/year
  - Addresses 30-40/session

## CFA Mandate

■ complaints filed against governments for **violation of the principles and standards on FOA**

- ✓ Legislative as well as factual examination
- ✓ Exhaustion of internal remedies not necessary
- ✓ Decisions adopted by consensus
- ✓ Digest (international code of FOA principles)

## Procedure

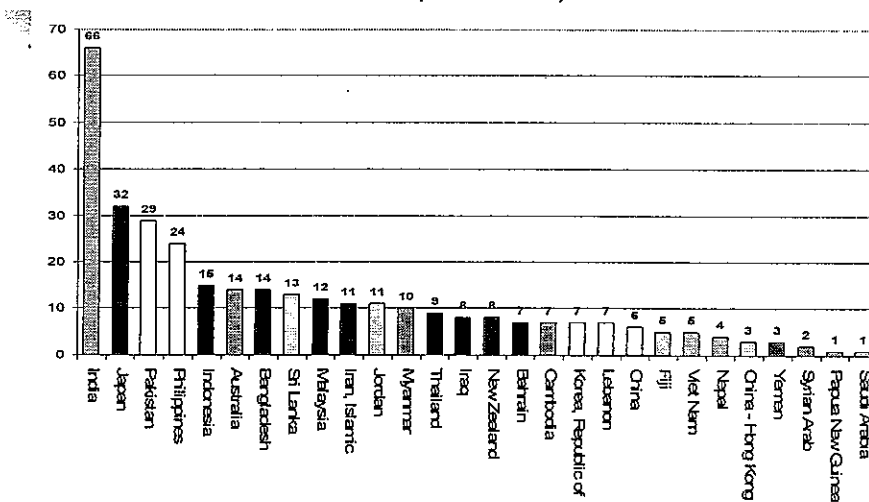


## Effective Interaction with other supervisory mechanisms

- Committee of Experts/Conference Committee (Cambodia, Djibouti, Ethiopia, Philippines)
- Commission of Inquiry (Belarus, Zimbabwe)
- Credentials Committee (Djibouti, Iran, Venezuela)



**Number of complaints originating from Asia (1951-2008)**





## **Philippines Reporting Obligations as a Member State of the ILO (GRP's Experience)**



### **Outline of the Presentation**

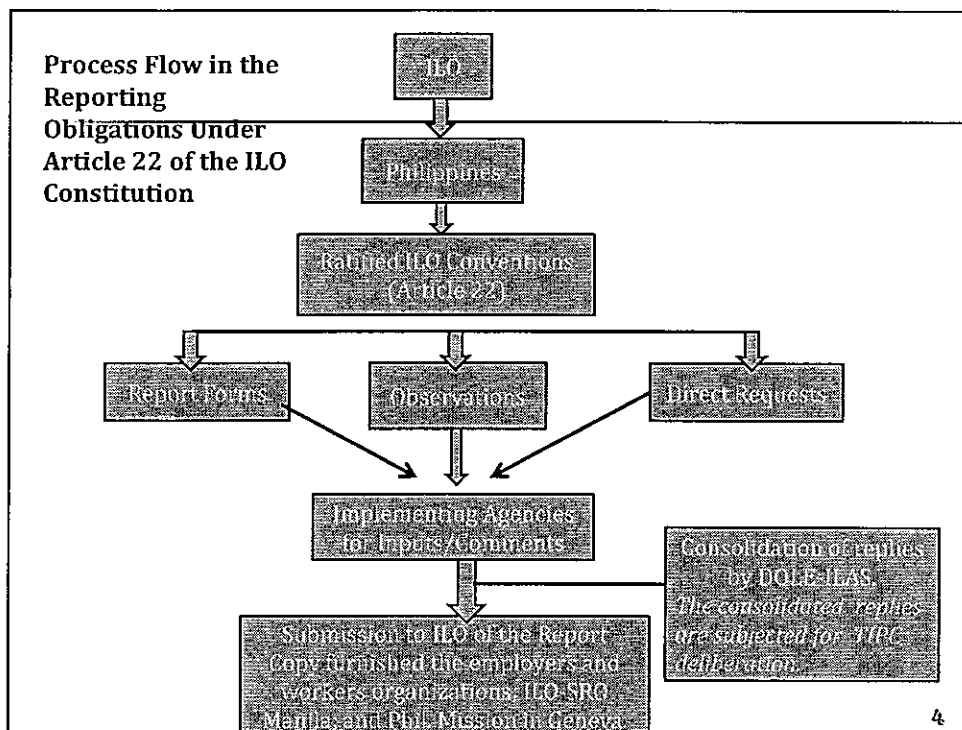
1. Background
2. Process Flow/System in the Reporting  
Obligation of the GRP
3. Issues/Challenges in Formulating GRP's  
Report/Response
4. Recommendations/Solutions



# Background

## Philippine Membership with the ILO

- The Philippines became a member of the ILO in 1948.
- At present, the Philippines ratified a total of 34 ILO Conventions of the 188 ILO Conventions adopted by the ILC.
- As a ratifying State of the ILO Conventions, GRP has reporting obligation under Article 22 of the ILO Constitution.



Issues/Challenges in Formulating Responses and Proposed Recommendations/Solutions	
ISSUES/CHALLENGES	RECOMMENDATIONS/SOLUTIONS
Limited/Lack of understanding on the supervisory mechanisms of the ILO.	Training of technical staffs on ILS.
No focal persons/points on International Labor Standards in the concerned implementing agencies.	Issuance of Office order designating focal persons on ILS. Creation of IAC on ILS.
ILO Conventions ratified by the Philippines cover diverse subjects which are the concern/mandate of the other government agencies other than DOLE.	Capacity building in the form of training, provision of IEC materials among the concerned implementing agencies. Establish linkage among concerned agencies.

5

Issues/Challenges in Formulating Responses and Proposed Recommendations/Solutions	
ISSUES/CHALLENGES	RECOMMENDATIONS/SOLUTIONS
The counterpart agencies are not aware of their role in the process of ensuring compliance on Philippine Ratified ILO Conventions.	Provision of trainings and IEC materials
Counterparts are not aware of the importance of their response to the report forms.	Provision of trainings and IEC materials
Not conscious on the timeliness of the submission of reports.	Provision of trainings and IEC materials
No familiarity in the manner of reporting.	Provision of trainings and IEC materials
Lack of interest/not a priority concern among concerned agencies.	Establish linkages among concerned agencies to inculcate commitment.

6



## **WORKSHOP DISCUSSION GUIDELINES:**

### **WORKSHOP DISCUSSION 1:**

#### **Philippine experience in Article 22 reporting obligations and inter-agency coordination**

**THE PARTICIPANTS WILL BE GROUPED INTO WORKERS, EMPLOYERS AND GOVERNMENT FOR THE WORKSHOP DISCUSSIONS.**

#### *Coverage:*

- *issues, challenges in formulating reports/comments (for workers and employers) and proposed solutions*
- *selection of Philippine inter-agency focal points in the context of ILS system, role of focal, coordination mechanisms*
- *Draft Resolution of commitment from partners*

#### *Groupwork reference:*

1. Diagrammatic illustration of Article 22 reporting obligations
2. Schedule of Philippine's reporting obligations (of ratified Conventions)
3. Generic Reporting Cycle
4. Presentation of DOLE (photocopy)

#### *Workshop process*

1. Each group will assign a facilitator, presenter and notetaker.
2. At the plenary level, before the workshop, DOLE will present the issues, challenges and proposed solutions in complying with the reporting obligations under Article 22 of the ILO Constitution.
3. During the presentation of results of the workshop discussions, there will be opportunities to discuss coordination among workers, employers and government.

#### *Guide Questions for the groupwork discussion*

1. Each of the group discussion will be guided by the following questions:
  - 1.1. Identify which part or which unit within respective your agency, organization or office could serve as focal unit to contribute to the reporting obligations under Article 22, if possible identify the focal person and alternate in this unit from your respective agency.
  - 1.2. Please review the challenges and determine/enumerate which ones apply to the group (workers, employers or government) within the context of Article 22 reporting obligations under the ILO Constitution.
  - 1.3. What do you think could be an appropriate strategy to address these challenges?
  - 1.4. Would these strategy point proposed roles or tasks of the focal persons from your agency/organization/office?
  - 1.5. Looking at the regular timelines and the schedule of Philippine reporting obligation under Article 22,
    - 1.5.1. what would be the possible timelines your unit/focal person commit to submit the required information?

1.5.2. Would there be a need to meet to ensure that all concerns are incorporated into the report/comments? If so, when?

Martrix for questions 1.2, 1.3 and 1.4

Challenges	Proposed Strategy	Corresponding role of the focal person/unit within the government agency or W/E organizations

REFERENCE MATERIALS:

1. Regular Reporting Mechanism: Article 22 Report

Diagramme 1

Regular Supervisory Process

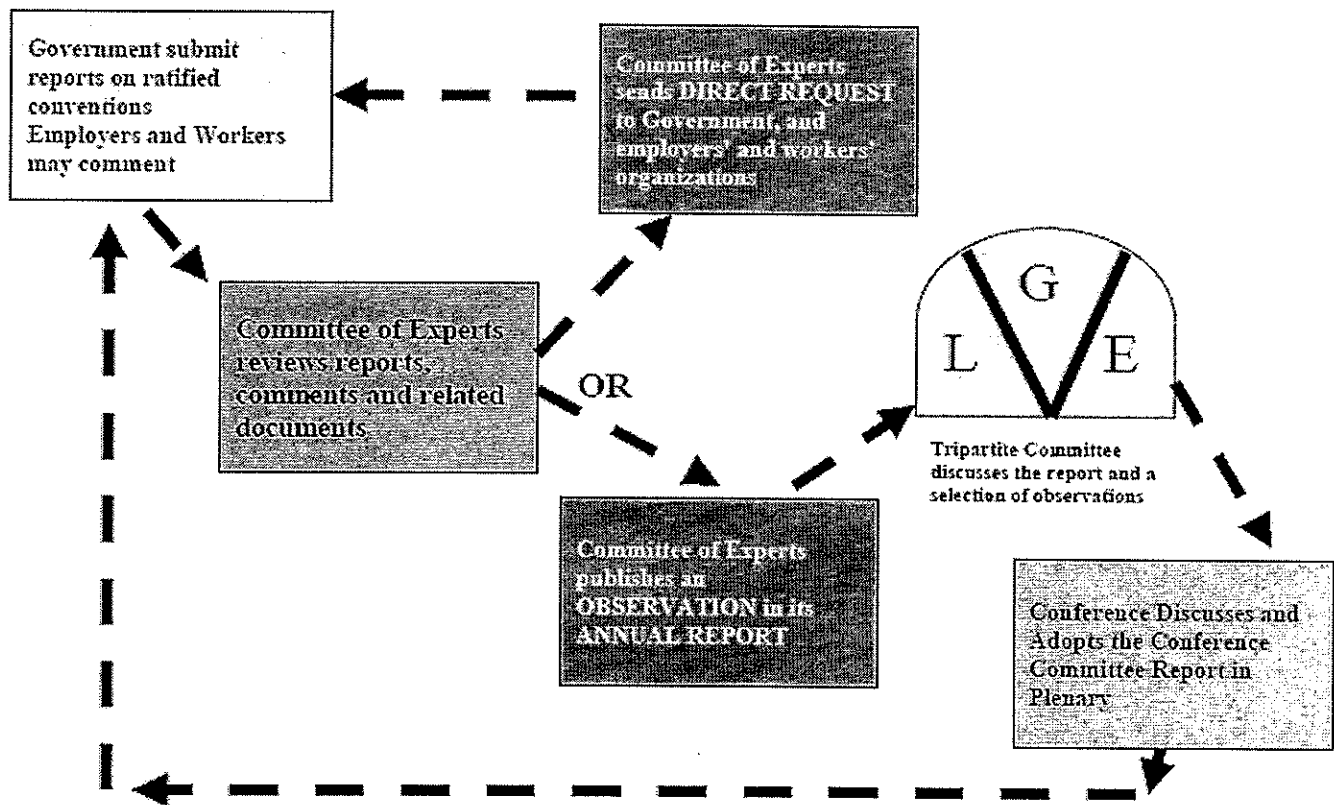
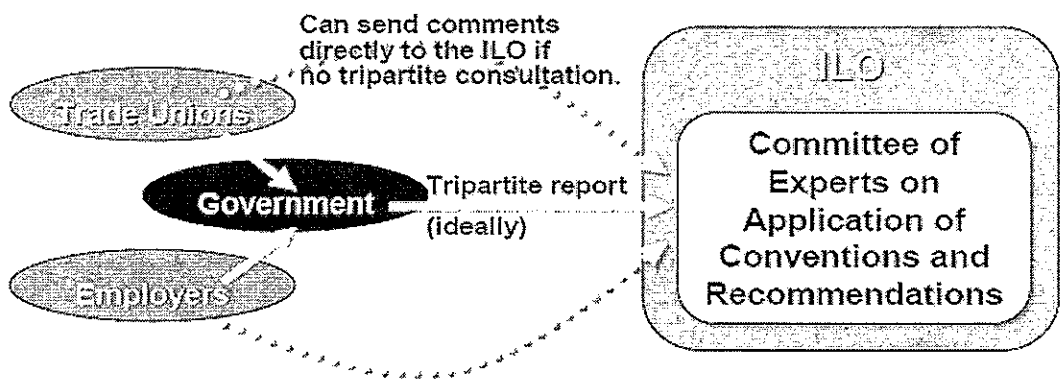


Diagramme 2

# Regular Reporting Mechanism: Article 22 Report

- Government must send periodic reports to the ILO on the effects given to ratified Conventions based on Article 22 of the ILO Constitution;
- Workers' and employers' organizations can send their observations on the Government's report.



## 2. REPORTING TIMELINES

June – September: Government sends reports

November- December: COEACR Meets

March: COEACR sends report to GB

June: COEACR sends report to ILC

your name



3. Philippines Reporting Schedule

Schedule subject to change if additional reports requested, or reports not received, or following new ratifications

Regular Reporting Schedule

				10 regular requests	9 regular requests	13 regular requests	7 regular requests	9 regular requests
	Workmen's Compensation (Accidents) Convention, 1925 (No. 17) (Ratification: 1960)							
C. 17	2008	Comments	This year	2010	2011	2012	2013	2014
	OR2007				Regular report			
	Equality of Treatment (Accident Compensation) Convention, 1925 (No. 19) (Ratification: 1994)							
C. 19	2008	Comments	This year	2010	2011	2012	2013	2014
	R2008				Regular report			
	Repatriation of Seamen Convention, 1926 (No. 23) (Ratification: 1960)							
C. 23	2008	Comments	This year	2010	2011	2012	2013	2014
				Regular report				
	Forced Labour Convention, 1930 (No. 29) (Ratification: 2005)							
C. 29	2008	Comments	This year	2010	2011	2012	2013	2014
	R2008	Regular report (Requested)			Regular report		Regular report	
	Officers' Competency Certificates Convention, 1936 (No. 53) (Ratification: 1960)							
C. 53	2008	Comments	This year	2010	2011	2012	2013	2014
	R2005			Regular report				
	Medical Examination of Young Persons (Industry) Convention, 1946 (No. 77) (Ratification: 1960)							
C. 77	2008	Comments	This year	2010	2011	2012	2013	2014
						Regular report		
	Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) (Ratification: 1953)							
C. 87	2008	Comments	This year	2010	2011	2012	2013	2014
	Regular report	OR2008	Not received last year (Requested)	Regular report		Regular report		Regular report
	Employment Service Convention, 1948 (No. 88) (Ratification: 1953)							
C. 88	2008	Comments	This year	2010	2011	2012	2013	2014
	R2005	Regular report (Requested)						Regular report

Night Work (Women) Convention (Revised), 1948 (No. 89) (Ratification: 1953)

C. 89	2008	Comments	This year	2010	2011	2012	2013	2014
	Regular report	O2008					Regular report	

Night Work of Young Persons (Industry) Convention (Revised), 1948 (No. 90) (Ratification: 1953)

C. 90	2008	Comments	This year	2010	2011	2012	2013	2014
		O2007				Regular report		

Labour Clauses (Public Contracts) Convention, 1949 (No. 94) (Ratification: 1953)

C. 94	2008	Comments	This year	2010	2011	2012	2013	2014
	Requested by CEACR	O2008	Requested by CEACR (Requested)			Regular report		

Protection of Wages Convention, 1949 (No. 95) (Ratification: 1953)

C. 95	2008	Comments	This year	2010	2011	2012	2013	2014
		R2008				Regular report		

Migration for Employment Convention (Revised), 1949 (No. 97) (Ratification: 2009)

C. 97	2008	Comments	This year	2010	2011	2012	2013	2014
			Ratification		First report	Regular report		

Right to Organise and Collective Bargaining Convention, 1949 (No. 98) (Ratification: 1953)

C. 98	2008	Comments	This year	2010	2011	2012	2013	2014
	Regular report	O2008	Not received last year (Requested)	Regular report		Regular report		Regular report

Minimum Wage Fixing Machinery (Agriculture) Convention, 1951 (No. 99) (Ratification: 1953)

C. 99	2008	Comments	This year	2010	2011	2012	2013	2014
		R2007				Regular report		

Equal Remuneration Convention, 1951 (No. 100) (Ratification: 1953)

C. 100	2008	Comments	This year	2010	2011	2012	2013	2014
	Regular report	OR2008		Regular report		Regular report		Regular report

Abolition of Forced Labour Convention, 1957 (No. 105) (Ratification: 1960)

C. 105	2008	Comments	This year	2010	2011	2012	2013	2014
		OR2007	Regular report (Requested)		Regular report		Regular report	

Plantations Convention, 1958 (No. 110) (Ratification: 1968)

C. 110	2008	Comments	This year	2010	2011	2012	2013	2014

Regular  
report

Regular  
report

Discrimination (Employment and Occupation) Convention, 1958 (No. 111) (Ratification: 1960)

C. 111	2008	Comments	This year	2010	2011	2012	2013	2014
	Regular report	OR2008		Regular report		Regular report		Regular report

Equality of Treatment (Social Security) Convention, 1962 (No. 118) (Ratification: 1994)

C. 118	2008	Comments	This year	2010	2011	2012	2013	2014
		R2007			Regular report			

Employment Policy Convention, 1964 (No. 122) (Ratification: 1976)

C. 122	2008	Comments	This year	2010	2011	2012	2013	2014
	Regular report			Regular report		Regular report		Regular report

Minimum Age Convention, 1973 (No. 138) (Ratification: 1998)

C. 138	2008	Comments	This year	2010	2011	2012	2013	2014
		R2007	Regular report (Requested)		Regular report		Regular report	

Rural Workers' Organisations Convention, 1975 (No. 141) (Ratification: 1979)

C. 141	2008	Comments	This year	2010	2011	2012	2013	2014
		R2006			Regular report			

Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143) (Ratification: 2006)

C. 143	2008	Comments	This year	2010	2011	2012	2013	2014
	First report					Regular report		

Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144) (Ratification: 1991)

C. 144	2008	Comments	This year	2010	2011	2012	2013	2014
	Regular report	R2008	Requested by CEACR (Requested)	Regular report		Regular report		Regular report

Nursing Personnel Convention, 1977 (No. 149) (Ratification: 1979)

C. 149	2008	Comments	This year	2010	2011	2012	2013	2014
	Regular report						Regular report	

Maintenance of Social Security Rights Convention, 1982 (No. 157) (Ratification: 1994)

C. 157	2008	Comments	This year	2010	2011	2012	2013	2014
		R2006			Regular report			

C. 159 Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983 (No. 159) (Ratification: 1991)

2008	Comments	This year	2010	2011	2012	2013	2014
	R2004	Regular report (Requested)					Regular report

Social Security (Seafarers) Convention (Revised), 1987 (No. 165) (Ratification: 2004)

C. 165	2008	Comments	This year	2010	2011	2012	2013	2014
		R2007		Regular report				

Safety and Health in Mines Convention, 1995 (No. 176) (Ratification: 1998)

C. 176	2008	Comments	This year	2010	2011	2012	2013	2014
		R2005	Regular report (Requested)					Regular report

Recruitment and Placement of Seafarers Convention, 1996 (No. 179) (Ratification: 1998)

C. 179	2008	Comments	This year	2010	2011	2012	2013	2014
		R2007		Regular report				

Worst Forms of Child Labour Convention, 1999 (No. 182) (Ratification: 2000)

C. 182	2008	Comments	This year	2010	2011	2012	2013	2014
		OR2007	Regular report (Requested)		Regular report		Regular report	

## **WORKSHOP DISCUSSION GUIDELINES**

### **WORKSHOP DISCUSSION 2**

**Review of the TOR of Inter-agency Focal Persons in the context of ILO's reporting mechanisms and Indicative Actions for promoting awareness on ILO, ILS/FPRW, Social Dialogue and Supervisory Mechanisms**

**THE PARTICIPANTS WILL BE GROUPED INTO WORKERS, EMPLOYERS AND GOVERNMENT FOR THE WORKSHOP DISCUSSIONS.**

#### *Coverage:*

- update the TOR to take into account the CFA requirements vs. the role of the focal persons
- Discuss and finalize indicative action plan in disseminating information on ILO, social dialogue, ILS/FPRW and ILO's supervisory mechanisms

#### *Reference Materials:*

- Diagrammatic illustration of the CFA Mechanism
- General Timelines of the CFA Meetings
- ILO Convention 87
- ILO Convention 98

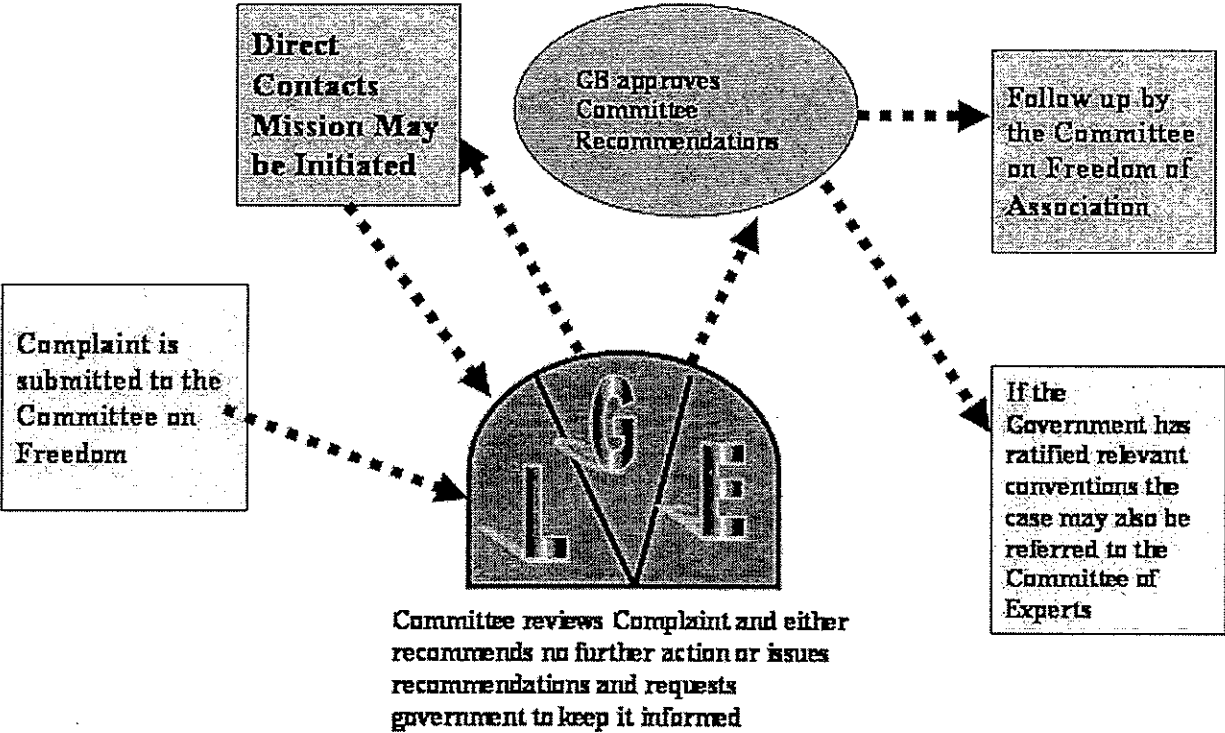
#### *Workshop process*

1. Each group will assign a facilitator, presenter and notetaker.
2. During the presentation of results of the workshop discussions, there will be opportunities to discuss coordination among workers, employers and government

#### *Guide Questions for the groupwork discussion*

1. Taking into at the CFA mechanisms and the actions required, what additional role would you suggest for the focal persons from your respective agencies/office/organization?
2. Now that you have an overview of the ILO, ILS, FPRW and supervisory mechanism, what indicative strategies would you be able to commit within the next to years to increase awareness on these topics; thereby, increasing the preparedness of your office, agency or organization to respond to the ILO's processes?

# Freedom of Association Procedure



## **Terms of Reference**

### ***Inter-agency Tripartite Working Group (ITWG)***

#### **I. Background and Rationale**

The Philippines is a member of the ILO since 1948. To date, it has ratified thirty-four (34) ILO Conventions (32 of which are in force). Part of the constitutional obligations of the Philippines as a member State of the ILO include obligations to report on the application of international labour standards both in law and practice. Constitutional obligations also include actions taken involving interaction with the ILO's special supervisory bodies.

The Department of Labor and Employment (DOLE) issued Administrative Order No. 36, series of 2002 designating focal persons from different concerned DOLE offices and attached agencies in connection with the reporting obligations under the ILO Constitution. The objective was to facilitate the preparation of comprehensive and up-to-date replies. However, this only involved offices and attached agencies within DOLE and does not cover other relevant institutions and stakeholders who can contribute to the report.

Many ILO Conventions ratified by the Philippines covered diverse subjects and technical areas which are also the concerns of other government agencies other than DOLE. Some of these government agencies also deal or provide reports on other UN international human rights instruments.

The DOLE has encountered challenges in collecting information from other offices from within and outside DOLE in order to come-up with the right and complete information in a timely manner. The government presented its experiences of its reporting obligations to the ILO during the Seminar Workshop on International Labour Standards held from 30 September to 01 October 2009. This paved the way for discussions identifying some challenges and solutions in the formulation and submission of complete and timely reports. The discussions came to a common position for the identification of focal points or persons on international labor standards for each agency/office/department. It also came to a position to provide technical assistance and capacity building for the technical staffs of the concerned agencies.

As signatory to ILO Convention No. 144, Tripartite Consultation (International Labour Standards) Convention, 1976, all reports from the Philippine government must involve effective consultations between representatives of government, employers and workers.

## **II. Purpose of the Inter-agency tripartite working group on Philippine Reporting Obligations to the ILO**

1. To serve as a regular mechanism in gathering information/data on the periodic reports of the Philippines to the ILO, which will include discussion on possible solutions to address gaps, if any.
2. To strengthen the coordination mechanism among government agencies on one hand, and among the employers and workers organizations on the other hand.
3. To identify the training needs and technical assistance including the capacity building requirements that the members need in order to adequately respond to issues and concerns raised by the ILO's supervisory bodies.

## **III. Key Outputs**

1. Complete, comprehensive and timely report on the application both in law and practice of the international labor standards is submitted to the ILO.
2. Ideally, the report is the output of full tripartite consultation as a signatory to ILO Convention 144.

## **IV. Structure, Composition and Institutional modalities**

**Focal persons and alternates will be identified to be represented in the following:**

**Focal Agency** - The Department of Labor and Employment (DOLE) is the focal government agency on all international labor standards concern. It will serve as a communication channel and undertakes programs among government, workers, employers and their organizations towards enhancing international labor standards.

1. **Members** - The ITWG will be composed of the following government institutions:

- a. Department of Foreign Affairs
- b. Department of Justice
- c. Department of Education
- d. Department of Environment and Natural Resources
- e. Department of National Defense
- f. Department of Agriculture
- g. Department of Interior and Local Government
- h. Department of Health
- i. Department of Social Welfare and Development
- j. Department of Public Works and Highways



- k. Other agencies, organizations and government bodies, including the legislature and judiciary, which will be invited to participate based on the subject area/s of Conventions.

## **2. Participation of workers and employers organizations**

- a. Provide information/comments/observations on the application of international labor standards by the Philippines which are due for reporting to the ILO.
- b. Participate in the consultation among the tripartite constituents in the discussion of Philippine reports to the ILO.

## **3. ITWG and the Tripartite Industrial Peace Council (TIPC)**

The TIPC was constituted in 1990. It is composed of 20 members each from the employers and workers organizations. The TIPC is required to meet in plenary at least twice a year, for agenda and/or direction setting and deliberations of major policy decisions that may be referred to it by the Tripartite Executive Committee (TEC) and/or Standing Committees.

The ITWG shall work closely with the TIPC. In the spirit of tripartism, all reports before the same are submitted to the ILO must be consulted with the TIPC. Appropriate recommendations/observations may be incorporated in the reports.

## **4. ITWG and Decent Work-National Tripartite Advisory Council (NTAC)**

The ITWG, through the DOLE, which is a member of the DW-NTAC, will keep the latter informed of its activities by providing copies of its outputs. It will further provide information to the DW-NTAC on technical assistance requirements and training needs of its members and technical staffs.

## **V. Role of the Chair and the members**

- 1. Conduct regular meetings to ensure compliance by the Philippines of its reporting obligations to the ILO, taking into account relevant timelines such as:
  - a. June-September covering the period of submission of reports.
  - b. As applicable, June covering the period of the discussion of Committee on the Application of Standards at the International Labor Conference (ILC) on individual cases.
- 2. Ensure representation of the institution by identifying and updating focal persons and alternate representatives in the ITWG.

3. Provide relevant information and data based on the requirements of the ILO on the application of international labor standards due for reporting to the ILO.
4. Help identify other institutions or stakeholders who may have information or data needed or who can contribute or provide additional information to come up with complete information in the reports.
5. Responsible in identifying concerns, gaps, obstacles, strategies, timeframe and mechanisms in the formulation of replies/reports on international labor standards.
6. Prepare preliminary technical groundwork following the reporting system of the ILO for discussion by the TEC and TIPC.