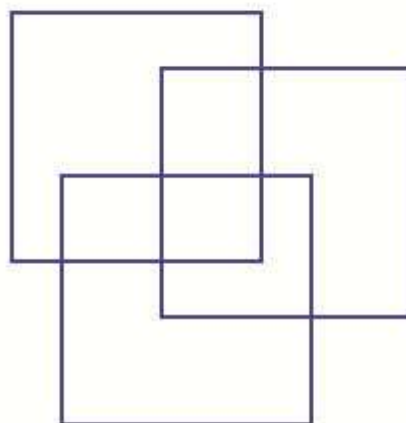




International
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Report of the Seventh Regional Seminar on
Industrial Relations in the ASEAN Region
Chiba, Japan
14–15 September 2016



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Industrial Relations in the ASEAN Region

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Foreword

The integration of Association of Southeast Asian Nations (ASEAN) members into a regional block in 2015 has resulted in far-reaching consequences, both in providing the impetus for innovative practices as well as posing challenges to industrial relations institutions, actors, markets and labour legislation. In this evolving situation of change in the world of work, the International Labour Organization (ILO), in partnership with ASEAN, convened the seventh regional seminar to discuss concerns that impact industrial relations and various aspects of social dialogue within enterprises.

Since 2009, the ILO and the ASEAN Secretariat have co-organized Tripartite Regional Seminars on Industrial Relations tackling various aspects of industrial relations practice as part of the ASEAN-ILO/Japan Industrial Relations Project. By bringing together policy-makers and social partners from ASEAN Member States, the seminar provides a common platform to disseminate knowledge and information on good industrial relations practices in their countries. After the project closure in 2015, there remained high interest and a need for the region to build better industrial relations and promote social dialogue. Thus, the regional seminar was organized under the ILO/Japan Multi-bilateral Programmes's Project on Workplaces and Industries for Sustainable and Inclusive Growth Through Sharing Good Practices of GBA, OSH and Industrial Relations to discuss the current situation of industrial relations in the ASEAN region and promote social dialogue within enterprises. This theme was presented at the Project Cooperation Committee meeting, which was organized in conjunction with the 12th Senior Labour Officials meeting in May 2016 in Vientiane, the Lao People's Democratic Republic.

Social dialogue, which is essential for developing national competitiveness and harmonious industrial relations, establishes a common understanding of shared industrial relations concerns and responsibilities. The seminar was organized to collate examples and practices in ASEAN countries. Tripartite constituents shared information on practices, laws and regulations concerning industrial relations and various aspects of social dialogue including collective bargaining and committees or councils, at the enterprise level. Sessions also included a plenary, during which participants discussed how to enhance industrial relations and strengthen social dialogue within enterprises.

Presided by ILO experts on industrial relations, the seminar held topic sessions, group discussions and plenary sessions as followed:

The first session provided an introduction to the current situation of industrial relations and social dialogue within enterprises in the ASEAN region. Country reports from ASEAN Member States, including recent developments and future initiatives were presented at the second session. A special session was held to share knowledge and lessons from the employment and labour measures for recovery from the great east Japan earthquake in the context of the International Public Resources Research Project. The third session featured experiences and good practices from Japan. Workers', Employers' and Governments' representatives held group sessions to discuss the way forward, opportunities and challenges in promoting social dialogue and sound industrial relations. The fifth session heard the reports from the group discussions, followed by a final plenary session presenting recommendations from the tripartite representatives. John Ritchotte, ILO Specialist on Labour Administration and Labour Relations closed the meeting, including highlights of the two day seminar in his closing remarks.

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Abbreviations

ADB	Asian Development Bank
ASEAN	Association of Southeast Asian Nations
CAMFEBA	Cambodian Federation of Employers and Business Associations
GDP	gross domestic product
ILO	International Labour Organization
MOU	memorandum of understanding
OSH	occupational safety and health
SMEs	small and medium-sized enterprises
TPP	Trans-Pacific Partnership agreement
UMFCCI	Union of Myanmar Federation of Chambers of Commerce and Industry
VCCI	Viet Nam Chamber of Commerce and Industry
VGCL	Viet Nam General Confederation of Labour

1. Welcome and opening remarks

Moderator: Mr Hideki Chiba, Programme and Operations Officer, ILO/Japan Fund for Building Social Safety Nets in Asia and the Pacific

Akiko Taguchi, Director, ILO Office for Japan

Ms Taguchi welcomed the participants and thanked the Ministry of Health, Labour and Welfare of Japan and the Association of Southeast Asian Nations (ASEAN) Secretariat for supporting the International Labour Organization (ILO) in its endeavours to bring constituents together on a tripartite basis to share information, experiences and lessons learned in various areas of mutual interest. She noted that the establishment of the ASEAN Economic Community in 2015 was a major milestone in the regional economic integration agenda. Previous ASEAN tripartite seminars have provided valuable opportunities to share country experiences and for participants to ask questions and gain a deeper understanding of developments in neighbouring countries, focusing on such issues as the role of social dialogue in times of financial crises, legal frameworks for dispute resolution, minimum wage fixing, tripartite involvement in labour law reform and employment relationships, and trends and good practices in collective bargaining and dispute resolution. She recalled that traditional areas of industrial relations, sound industrial relations and effective social dialogue, including a means to promote better wages and working conditions as well as peace and social justice, have been discussed at various levels. She stressed the importance of good governance, cooperation and economic performance to create enabling environment for the realization of decent work.

Ms Taguchi explained that the two-day seminar will provide the tripartite constituents a good opportunity to exchange experiences and good practices and thus enrich everyone's knowledge and understanding, despite the differences in the level of economic development. In closing, Ms Taguchi highlighted the 100th anniversary of the ILO in 2019 and the organization's continuing commitment to understand and respond to changes in the world of work and to lead in the global challenge of ensuring decent work for all women and men while celebrating what has been achieved, and hoped that this seminar would contribute to the 16th Asia and the Pacific Regional Meeting to be held from 6 to 9 December 2016 in Indonesia.

Tomoaki Katsuda, Assistant Minister for International Affairs, Ministry of Health, Labour and Welfare, Japan

Mr Katsuda welcomed the participants and briefly reviewed the history of ASEAN Plus Three ministerial meetings. He stressed the importance of promoting sound and suitable industrial relations for establishing socio-economic fundamentals, which are a means for preventing labour disputes, finding solutions peacefully and strengthening labour management relations. He also cited the benefits of social dialogue, primarily: productivity loss, economic growth and innovation. He welcomed the seminar as an opportunity for all participants to better understand each country's industrial relations system as well as the importance of labour policy and facilitating social dialogue.

2. ILO perspective on industrial relations in ASEAN and social dialogue within enterprises

Presenter: John Ritchotte, Specialist on Labour Relations and Labour Administration, ILO Decent Work Team for East and South-East Asia and the Pacific

Mr Ritchotte began with the definitions and characteristics of social dialogue. He explained that the ILO reference to social dialogue includes all types of negotiation, consultation and sharing of information among representatives of government, employers and workers on issues of common interest relating to labour markets or economic and social policies. Enabling conditions for the success of social dialogue include strong independence of workers' and employers' organizations, political will and commitment to engage in good-faith discussions, respect for the fundamental principles of freedom of association and collective bargaining, and appropriate legal and institutional support. Social dialogue transpires in many forms, such as tripartite, with the government as an official party; bipartite, between labour and management at the enterprise level; by sector, at the local, regional or national level or at the formal, institutionalized and informal levels; or even ad hoc.

Mr Ritchotte noted that many countries in the ASEAN region handle the same types of challenges around industrial relations, labour dispute resolutions, social dialogue, wages, productivity, minimum wage fixing, employment contracts, termination and outsourcing. He pointed out that ASEAN countries are active in regularly reviewing and changing their labour legislation and policies. In recent years, major changes to labour legislation have taken place in Cambodia, the Lao People's Democratic Republic, Myanmar and Viet Nam. Continued major changes in the near future are anticipated for Malaysia and Viet Nam as well as important changes in policy in Indonesia and the Philippines and constant adaptation to changing labour market needs and realities in Singapore. Almost all are being shaped through tripartite dialogue, he added.

Mr Ritchotte overviewed recent developments in industrial relations in several ASEAN countries:

- Cambodia adopted a Trade Union Law in 2016 that contains important provisions on union registration and the management of union finances. The law covers definitions, the prohibition of unfair labour practices in a comprehensive manner and changes to determine most representative status for unions. The law also contains steps to improve the system for fixing the minimum wage, based on regular annual reviews, agreed criteria and stronger tripartite engagement. A draft law on labour courts, which will include a dispute resolution provision, is expected by end 2016.
- In Indonesia, there are now well-developed tripartite social dialogue systems at the national, provincial, municipal, sector and enterprise levels. Around 13,000 collective bargaining agreements have been registered, and bipartite dialogue bodies exist in most large enterprises. Important changes were recently introduced to the minimum wage fixing system. There is also a complex system of provincial and district minimum wage fixing. The recently revised minimum wage was used as the reference wage in collective bargaining to fix the wage of workers through a collective agreement.

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- The Lao People's Democratic Republic adopted legislation in 2014 that brings important changes to the definitions of employment relationship and employment contracts and defines issues of forced and child labour. The law expands the definitions of collective bargaining and provides for strikes and lockouts. The Government also passed a new decree that expands provisions on dispute resolution, collective bargaining, strikes and lockouts. Another important change for social dialogue is the ratification of the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144) and establishment of a national tripartite dialogue body that mediates on a non-governing basis.
 - Malaysia is undergoing a comprehensive labour law reform process that includes modernization of legislation to meet the conditions for the Trans-Pacific Partnership (TPP) agreement. The Trade Union Act, the Industrial Relations Act and the Employment Act are being reviewed, and the laws governing migrant workers are being revised. Strong engagement in tripartite dialogue and a new industrial relations framework after the legislative changes, will be important. A minimum wage fixing system was introduced in 2013 through tripartite consultations.
 - Myanmar has a dynamic environment due to legislative changes in 2012. Since then, at least 1,200 local unions have formed. Labour dispute institutions have been established at the township, provincial and national levels, and a new minimum wage fixing system was instituted in 2016, with a minimum wage announced.
 - Singapore is well known for its labour market rules and policies set through tripartite dialogue. A recent noteworthy development is the establishment of a progressive wage model that fixes the wage floor for workers in the cleaning industry through licensing arrangements. The security guard industry will have a similar system in the future.
 - Viet Nam recently implemented what has already become a well-functioning tripartite national wage council and the country's main tripartite social dialogue body. The country is undergoing a labour law reform process to modernize its industrial relations framework while trying to bring the laws and practices close to international norms and the TPP obligations (trade agreements carry some requirements for signatory countries to revise their labour legislation). Potential areas of legal and policy change include the formation of independent workers' organizations, a central trade union body, improved protection for workers' representatives and stronger dispute resolution and collective bargaining institutions.

Mr Ritchotte concluded his presentation with examples from Cambodia, Indonesia and Viet Nam on the statutory requirements for workplace dialogue.

Presenter: Miaw Tiang Tang, Senior Specialist on Employers' Activities, ILO Decent Work Team for East and South-East Asia and the Pacific

Ms Tang reviewed labour market trends in industrial relations and social dialogue at the enterprise level among ASEAN member countries. She pointed out that although ASEAN countries are enjoying strong economic growth, although it is based on low-cost labour and low-skill production. These countries also have been experiencing a higher level of labour

disputes. For instance, the number of disputes rose in Malaysia between 2012 and 2015; more than 1,000 labour dispute cases were recorded in Myanmar for 2015 and 2016 combined; the trend was similar in Thailand. She noted the influence that ongoing trade agreements, including the TPP, would have on industrial relations in countries. Among the TPP member countries, Brunei Darussalam, Malaysia, Singapore and Viet Nam are undergoing extensive reform in their labour laws in preparation for the trade agreement obligations. Another free trade agreement that is coming through the Regional Comprehensive Economic Partnership will present more competition to ASEAN countries in terms of tariff reductions and increased demand for skilled labour, technology and productivity. This will translate into dynamic changes in the relationship between labour and management, Ms Tang said.

According to an Asian Development Bank (ADB) report, more than 50 per cent of the ASEAN region's employment was irregular as of 2015. Workers are less protected and secure now more than ever. From the employers' perspective, this means lack of consistency and predictability because they cannot control the quality or the quantity of labour. A 2015 World Bank report estimated the presence of 10.2 million international migrant workers in the ASEAN region, which will continue as an issue for industrial relations. Technology advancement is making the labour demand and supply less predictable. Findings from the 2015 ILO research, Future of Work, indicate that low-skilled workers in labour-intensive sectors in the ASEAN region are at high risk of being replaced with automation. Ms Tang remarked that these changes will have implications for labour markets and industrial relations. Careful attention, clear communication and the exchange of positions can prevent misunderstandings and erosion of trust or even labour disputes. A labour dispute, she reminded, is not good for either employers or workers because it relates to the business aspect of an organization as well as its brand image. Open discussion among all stakeholders reduces the chances for labour disputes.

Bipartite cooperation and collaboration, trust, respect, good-faith behaviour and social dialogue are the primary focus of the ASEAN Guideline on Good Industrial Relations Practice, which was adopted by all ten ASEAN countries in 2010 (in Hanoi). Ms Tang added that ASEAN countries are already committed to promoting these elements in their industrial relations system.

She then explained the concepts surrounding social dialogue, negotiation, consultation and exchange of information in various structures and formats. Illustrating the nature of tripartite and bipartite social dialogue, she emphasized the effectiveness of promoting industrial relations through social dialogue at the enterprise level between management and workers, which eventually leads to good industrial relations at the industrial level. Employers and workers must practise social dialogue to discuss, consult or negotiate on issues relating to wages, terms and conditions of employment, productivity improvement, health protection, safety and grievance handling. There are two mechanisms used in bipartite social dialogue: (i) collective bargaining, which is a formal type of bipartite social dialogue; and (ii) a labour management council or similar mechanism.

In reference to bipartite dialogue, Ms Tang highlighted the similarities and differences between a labour management council and collective bargaining. A labour management council includes bipartite consultation between workers and management while collective bargaining is a formal negotiation between the employer and trade union. A council can take

place with or without a union at the enterprise level, whereas collective bargaining takes place usually between management and a union at the enterprise or industrial level. The council is usually set up on a voluntary basis, while collective bargaining is provided under national law. The characteristics of the agreement also differ. Any agreement reached through a council is not legally binding, although it can be time bound and serve as the management's and workers' voluntary agreement. On the other hand, a collective agreement is legally binding and time bound. When the decision of an agreement is reached or any recommendation provided, a council conclusion is applied to all employees in the workplace, while a collective agreement only applies to an employee under the scope as indicated in the agreement. A council usually addresses any issue to promote industrial peace and harmony while collective bargaining addresses wages and other terms and conditions of employment that could be confrontational and result in an industrial dispute if the negotiation ends in a deadlock.

In highlighting the labour management council advantages for workers and management, Ms Tang cited: (i) freedom to set any mechanism tailored to their specific needs within the enterprise; (ii) flexibility to address any issue to promote industrial harmony; (iii) a continuous communication channel, trust and collaboration; (iv) a foundation for trust and collaboration between employers or management and employees, which is the main element for a good labour management relationship; and (v) a mechanism that can reduce or solve any misunderstanding through frequent meetings and dialogues, which could look insignificant but actually help prevent a misunderstanding from escalating into a dispute. The benefits of collective bargaining include formality of agreements, legal implications, compliance with labour standards stipulated in national law and clearness of all processes and steps stipulated in the agreement.

Ms Tang explained that international framework agreements, which are also known as global framework agreements, can be used simultaneously and are usually signed between multinational companies with global union federations. The objective with such an agreement is for an enterprise to maintain the same standards in all locations they operate globally. They are usually legally binding and time bound, large in scope with multiple unions but do not replace any bipartite agreement reached at a national or enterprise level. They usually cover most of the core ILO Conventions, including freedom of association, child labour and forced labour. An international framework agreement is not technically corporate social responsibility, but there are mixed observations on its significance.

Ms Tang next provided examples of bipartite social dialogue in some countries. For instance, Malaysia promotes bipartite social dialogue even though there is no law requiring it. The country adopted a tripartite Code of Conduct for Industrial Harmony in 1975 that is now heavily in place and still used as a guide to encourage the establishment of joint consultations and work committees at the enterprise level. The Department of Industrial Relations in Malaysia also has an active role in promoting bipartite and tripartite dialogues and has implemented the Programme of Industrial Engagement. Indonesia outlined a systematic process for tripartism and bipartism into law, such as Law No. 13, which mandates enterprises to adopt tripartism (article 106) and bipartism (article 109). Article 106 also mandates enterprises with a minimum of 50 employees to form a bipartite corporation council as a forum for communication, consultation and deliberation on labour-related issues. Article 107 mandates the establishment of a National Tripartite Cooperation Institute at the national, provincial and district levels. Republic Law No. 6715 in the Philippines promotes labour

management councils. In Thailand, section 45 of the Labour Relations Act and section 96 of the Labour Protection Act mandate enterprises to set up a workplace committee.

Enterprise-level social dialogue, Ms Tang concluded, is an effective mechanism because it lays a strong foundation for harmony at the industrial level or even national level. Social dialogue within enterprises promotes trust and transparency and improves communication for industrial peace and harmony. Other benefits are the reduced number of work days lost due to strikes, a lower turnaround rate, higher productivity, greater innovation and creativity and a lower cost of labour management due to workers' happiness in the workplace and their motivation. Ms Tang pointed out that due to the practice of social dialogue at the enterprise or industrial level, Singapore experiences a minimal number of labour disputes. She stressed that labour disputes entail loss to enterprises because they consume time and resources.

Ms Tang then explained how to establish a successful enterprise-level social dialogue through a series of steps. The first step is to analyse the existing situation of labour relations in the workplace; enterprises typically do not seek help unless some dispute surfaces. The second step is to identify the fundamental issues, and the third is to set the objective for the labour management council and determine key issues, both at the management and the workplace levels. There is demand for labour relations managers who can maintain good labour relations at the workplace. And it is important that the council obtain full support and commitment from the management and employees and that they reach agreement in terms of structure, format and division of responsibilities. Most importantly, both the management and employees must adhere to their agreement.

As an example of good practice in setting up harmonious industrial relations, Ms Tang highlighted the industrial relations system of a multinational tobacco company based in Indonesia. This enterprise operates seven factories with 30,000 employees who have a strong in-house union. In 2000, they established a successful bipartite corporation council called LKSB. Although the union was organized much earlier, the enterprise additionally wanted a labour management council in each of its seven factories to expand coverage of representation. The collective agreement between the union and management does not cover the more than 1,000 workers in the office. The council promotes relations among the factories, organizes social events and even discusses productivity. Although the collective agreement does not have a provision on productivity, workers recommend to the management ways to improve productivity through the council. The management respects that workers are familiar with the facts of the workplace. The council functions as an open communication channel, and employees are comfortable speaking their minds.

Ms Tang concluded by summarizing successful factors for enterprise-level social dialogue, such as mutual trust and respect, transparent two-way communication, commitment from both management and workers and, most importantly, good faith.

Presenter: Pong-Sul Ahn, Regional Workers' Education Specialist, ILO Regional Office for Asia and the Pacific

Mr Ahn talked about enterprise-level social dialogue from the point of view of workers. He noted that social dialogue also has a relationship with governments, which must have a role to establish a structured mechanism for promoting effective social dialogue. If a country is democratic, its environment is conducive for social dialogue. If a country's economy is

prosperous, there is more of the corporate profit to share with workers so that the workers get more benefit from an enterprise where higher labour productivity can be achieved. When considering enterprise-level social dialogue, it is important to understand the internal and external factors, such as the economic and political aspects, the corporate production system and the management style.

The growth of the ASEAN economy, which is the seventh-largest economy in the world (after the United States, China, Japan, Germany, United Kingdom and France) with a 2.5 trillion gross domestic product (GDP) value in 2014, implies more and better job prospects for workers. In the context of industrial relations, this growth contributes to better opportunities for job creation. GDP growth in ASEAN has been following an increasing trend for the past decade. This growth is now slowing, especially since the global financial and economic crises that began in 2008. Nevertheless, per capita income in the ASEAN region doubled between 2007 and 2014. While the per capita income was about US\$2,000 in 2007, by the end of 2014 it had increased to \$4,000, thereby transforming the status of most families to middle class. This is a promising trend.

Mr Ahn examined the impact of foreign direct investment in ASEAN, which has created an environment for more jobs. Cambodia, the Lao People's Democratic Republic and Viet Nam are beneficiary countries. At the same time, there are many free trade agreements signed by ASEAN countries – more than 160 signed agreements, with about 80 others in the pipeline. From the workers' point of view, there has been a lack of participation of workers' representatives in the negotiation processes for these agreements, which means that the free trade agreement clauses do not include labour provisions for protecting labour rights and human rights. This is a key issue. As a new trend, more and more labour provisions are included globally in free trade agreements, although with minimum enforcement mechanisms and lack of a sanction clause against the violation of labour rights.

Mr Ahn pointed out six factors for good industrial relations in ASEAN, which eventually links to enterprise-level social dialogue: (i) transition from the informal to the formal economy through improved policy and legislation; (ii) extension of social protection to informal workers and migrant workers; (iii) improvement of statutory and corporate social security schemes; (iv) establishment of effective minimum wage setting mechanisms; (v) enforcement of the labour laws and the implementation and ratification of Conventions No. 87 and No. 98; and (vi) compliance with international labour standards, especially in global supply chains.

He then talked about challenges to social dialogue, beginning with vulnerable employment. Discussions on social dialogue at the enterprise level only cover the formal sector and thus exclude a large number of the workforce in the informal economy. The majority of workers in ASEAN are own-account, unpaid family or agricultural workers. About 40 per cent of the workforce is involved in agriculture work or in the agricultural product sectors. More young people of working age are either taking on vulnerable jobs or remain unemployed, thereby secluded from social dialogue mechanisms. Mr Ahn showed a graph of vulnerable employment in ASEAN countries, pointing out that vulnerable employment in ASEAN countries is relatively high and growing. For instance, about 65 per cent of the total workforce in Viet Nam and less than 40 per cent in the Philippines work in vulnerable employment. Thus, it is increasingly important to include representatives of vulnerable workers in social

dialogues because they can express their voice and interest during policy and decision-making processes.

Another challenge is the gender dimension in social dialogue and ongoing changes in the world, Mr Ahn noted that these days more young women are entering the world of work. In the past, there was greater job segregation, with young women prohibited from taking certain jobs. This has changed in recent years. Now, more young women are educated and independent and working, although they are not necessarily in decent work. Many women work in vulnerable employment and are paid much lower wages than their male counterparts. In Asia and the Pacific, in general, the pay gap between the sexes has narrowed but not by much. Women earn 50–60 per cent of what men earn in some Asian countries (globally, women earn 50–70 per cent of what men earn).

Taking into account the profile of workers in ASEAN, Mr Ahn described another challenge as the decline of young workforce which will affect employment, wages and migration. Social protection is also important to consider. Although enterprises rely heavily on a statutory social protection scheme, its coverage might not extend to all workers. The economy in ASEAN is prosperous and developing, creating more room for profit sharing between employers and workers through the social protection scheme. The expansion of social protection to both permanent and vulnerable workers must be looked into. In Asia, about 5.3 per cent of the public budget is spent on social protection, while the world average is nearly 8.3 per cent.

Another important challenge in maintaining a sound industrial relations system involves the allocation of a minimum wage. Mr Ahn explained that in many countries, the minimum wage has become a reference wage, which is not well imposed or implemented nor has it increased in line with the inflation rate. For example, Indonesia has a multiple minimum wages system, segregated by national, provincial, district and industrial levels. In Malaysia, minimum wages increased to 920 ringgit (MYR) in Sabha and Sarawak and to MYR1,000 on the peninsula. Mr Ahn said that countries need to have a more effective minimum wage fixing mechanism and regularly review the minimum wage on the basis of scientific data; countries also need to establish a mechanism to enforce it.

Then Mr Ahn provided an overview of labour productivity in ASEAN. Workers agree that an increase in labour productivity creates room for better profit sharing. In another graph, Mr Ahn showed that labour productivity was relatively low in Cambodia, the Lao People's Democratic Republic, Myanmar and Viet Nam, based on dollar per worker per year. To see the possibility of better profit sharing, enhancement of labour productivity is mandatory. According to his study, labour productivity in the Lao People's Democratic Republic has been increasing by about 50 per cent per decade. Through another graph, Mr Ahn explained that economic growth in Thailand had been much faster compared with its neighbouring countries and labour productivity has increased sharply since 2001, but real income in the country stagnated between 2001 and 2011. Although the real wage in manufacturing has increased since 2011, there has been a wider gap between labour productivity and workers' income in Thailand.

Mr Ahn remarked that migration is a big issue due to the huge stock of migrant workers in ASEAN countries. Unfortunately, migrant workers are excluded from any social dialogue process. He noted that within ASEAN there are an estimated 6.9 million immigrant workers.

But protection of migrant workers' human rights, labour rights and trade union rights have been prohibited by many ASEAN countries. Legislative mechanisms need to be studied to provide labour protection to these migrant workers. ASEAN Member States have agreed to allow the free movement of skilled migrant workers in eight job categories, including seven professions, such as accountant, dentist, engineer, medical doctor, nurse, architect and surveyor, and one occupation area in tourism. Such an agreement should be extended to vulnerable migrant workers to get benefits of social protection.

In conclusion, Mr Ahn returned to the situation of the minimum wage in ASEAN. Together with enforcement of laws and ratification of ILO Conventions, an effective minimum wage setting mechanism and regular revision of the minimum wage are important to provide proper income to all workers. He emphasized the importance of compliance with international labour standards, especially in the global supply chain. He noted that in many ASEAN countries, such as Cambodia, Indonesia, the Lao People's Democratic Republic, the Philippines and Viet Nam, enterprises engage in global supply chains with multinational companies. This year, the International Labour Conference discussed issues pertaining to the global supply chain and adopted a 24-point recommendation. From workers' viewpoint, this recommendation supports international framework agreements as a governance tool to enforce the compliance with international labour standards mandated for global supply chain enterprises.

Plenary discussion

- The first question in the plenary was from a participant asking if the international framework agreement has been implemented and, if so, how many big corporations follow it. Another participant asked for the ILO opinion on the global supply chain issue from the perspective of investment policy and economic growth. He asked this because business transactions in the global supply chain are seemingly unfair and do not boost the local economy because they do not engage local businesses but instead bring their own network and supplies. In response, Mr Ritchotte gave examples of companies that have implemented the international framework agreement, such as the Accor Hotels Group, Volkswagen and H&M. The international framework agreement is implemented in a variety of industries, such as services, tourism, heavy manufacturing, light manufacturing, garments and footwear and in different forms. In Indonesia, the Freedom of Association protocol is a form of the framework agreement. Mr Ritchotte agreed that domesticating the supply chain would certainly be of great benefit to the host country, but he was not aware that the ILO had any official position on investment policy per se. Mr Ahn noted that about 220 global framework agreements have been signed; among them, as of 2015, the IndustriALL Global Union had signed 49 agreements, the Union Network International had signed 35 agreements, the Building and Wood Workers' International had signed 20 agreements, the International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Associations had signed seven agreements and the International Federation of Journalists had signed one. The global framework agreement reflects the Organisation for Economic Co-operation and Development guideline on multinational enterprises, the United Nations Declaration on Human Rights, the United Nations Global Compact, the ILO Multinational Enterprise Declaration and the United Nations Guiding Principles on Business and Human Rights. However, an enforcement mechanism has been slow to appear in the global framework agreements, although they are gradually being included. For example, the global

framework agreement with Inditex in Spain now includes an enforcement mechanism. In Accord in Bangladesh, there is a joint monitoring mechanism by workers and employers to conduct a revision process.

- Mr Katsuda, a delegate from Japan, commented on the global supply chain issues. He attended the International Labour Conference technical committee on global supply chain issues in 2016 and stressed that the global supply chain is not only a North-South issue but a South-South issue as well. Until two years ago, there were many Malaysian and Indian enterprises and Thai supermarkets operating in Jakarta, attributing it as a South-South issue within ASEAN and other neighbouring regions. Those enterprises from industrialized countries signed the global international framework agreement. Takashimaya, one of the Japanese department stores, was the first Japanese company that signed it. Although the global supply chain has good influence on working conditions and employment, merely signing the framework did not solve all the problems. Host countries must think what they can do to make conditions better for all. The global supply chain committee's final statement of 2016 referred to many ILO Conventions on governance, inspection, employment service and other issues. Host countries in ASEAN are now becoming the origin of multinational enterprises. Thus, every ASEAN country must think about all these things. For example, Japanese home workers make brushes for L'Oréal France. These cosmetic makers are home workers for whom the ordinary labour standard law does not apply. Yet, the Ministry of Health, Labour and Welfare protects them through minimum wage regulations and other benefits, such as health checks. Recent developments in industry relations in ASEAN countries, Mr Katsuda noted, seem to emphasize the importance of social security development. The development of a social security system is vital for bipartite industrial relations because if bipartite partners can rely on an unemployment benefits system, they can discuss dismissal issues. An employment benefit system requires workers and employers to pay a premium. If government policy, including for social security, can help promote bipartite negotiation on policies and social security, it would promote bipartite cooperation and dialogue. For example, during the oil crisis in the 1970s, the Government of Japan introduced a subsidy system, and temporarily laid-off workers' wages were subsidized by the unemployment benefits system. After the economy recovered, most of the laid-off workers came back to their original workplace. His second observation was on informal workers and social security. Although countries and the ILO maintain that informal workers should be covered by social security, if the informal workers' coverage was equal to that of formal sector workers, employers could disguise themselves as informal operators in order to pay a lower premium, which was the Japanese experience in the 1960s. When designing social security for the informal sector, it is important to be careful about this, he warned. The Government of Japan is now trying to cooperate with Indonesia on the social security issue, especially on pension and health insurance systems for better implementation to cover all employees, informal and formal.
- One representative asked about the mechanism to promote and protect migrant workers' rights in ASEAN. Although eight skilled occupations are allowed free movement of labour within the ASEAN Economic Community, he expressed concern about the conditions for undocumented migrant workers and how to protect their rights in the host countries. Mr Ahn responded that there was no clear-cut answer to satisfy the question concerning undocumented migrant workers. Instead, he focused on documented migrant

workers because the issues between documented and undocumented migrant workers are very different. Although the ILO and the United Nations Conventions recommend protecting both documented and undocumented migrant workers' human rights, full protection of undocumented migrant workers entails certain restrictions. Therefore, we need to create awareness among potential migrant workers before their departure on the risks and vulnerabilities during and after the migration process. Sending countries need to pay attention and invest more prevention measures while receiving countries and employers should have a principle not to hire undocumented migrant workers as a message to potential migrant workers that there is no job in receiving countries for workers with undocumented status, thus discouraging them from crossing a border without the proper documents. ASEAN Member States must vigorously discuss the adoption of the ASEAN charter on migrant workers' rights, which is still pending because of the differing views between sending and receiving countries. The ILO is facilitating tripartite dialogues on migration to provide better protection to all migrant workers for fundamental issues, such as health care, portability of a pension scheme and mutual recognition of skills in receiving countries. The ILO is also working through two major projects in ASEAN, the ASEAN TRIANGLE Project and the GMS TRIANGLE Project. In Malaysia, the ILO has a project to support the organizing of migrant workers.

Ms Tang added that many initiatives have been undertaken by governments, employers and workers under the ASEAN TRIANGLE Project over the past five years. A few declarations have been signed. Many improvements have been made in terms of protection of migrant workers. From the employers' side, all employers in ASEAN countries are committed to supporting the protection of migrant workers' rights. One regional employers' association is discussing a guide for employers on good practices for employing migrant workers, covering departure, preparation and arrival in receiving and sending countries. Ms Tang emphasized that although there are still some gaps, many improvements have been made through the project over the past five years, and awareness has been built up among employers in ASEAN countries on the problems of migrant workers.

- One representative asked what impact digital technology might have on labour management and employment policy in changing market trends, such as short-term contracts and outsourcing and how to cope with them. Mr Ritchotte responded that the use of robots, other forms of automation and 3D printing certainly have the potential to replace many low-skilled workers. In the service economy in the United States, there has been a trend in the gig economy, leading to such businesses as Uber. He informed the delegates that the ILO Director-General launched a Future of Work Initiative for experts to work on these issues intensively over the next two years.

3. Sharing current situation of industrial relations and social dialogue within enterprises in each ASEAN member State

3.1 Experiences from the Lao People's Democratic Republic

Presenter: Oudone Maniboun, Director of Labour Inspection Division, Department of Labour Management, Ministry of Labour and Social Welfare, accompanied by Vilack Boutsaba, Technical Officer, Bureau of Employer Activities, Lao National Chamber of Commerce and Industry, and Pathoumthong Luangvilay, Head, Project Management Division, Lao Federation of Trade Unions

Mr Maniboun introduced a project from his Labour Inspection Division on Improving the Garment Sector Through Compliance and Social Dialogue, which started in February 2015 with technical support from the ILO and tripartite constituents. The project was designed to strengthen labour inspection and thus help the Ministry of Labour and Social Welfare improve enterprise compliance with the labour laws, particularly in the garment sector. The project works to improve compliance, working conditions, the garment industry's competitiveness, communication practices, maintenance of safe and healthy workplaces, enforcement of the laws to strengthen inspections, workers' well-being and workers' and employers' knowledge of the labour laws as a way to increase productivity.

The project includes awareness raising, capacity building, advice and mentoring for relevant national actors, including the Ministry of Labour and Social Welfare, the Lao Federation of Trade Unions, the Lao National Chamber of Commerce and Industry and the Association of Lao Garment Industries. The advisory committee for this project includes the Ministry of Labour and Social Welfare and is chaired by the director-general of the Department of Labour Management. A senior representative from the Lao National Chamber of Commerce and Industry and a senior representative from the Lao Federation of Trade Unions are deputies. Members include the director of the Vientiane Labour and Social Welfare Department and the Association of the Lao Garment Industry. The project was implemented in Vientiane, where most garment factories are located, although it involves the 14 core labour inspectors from across the country.

Activities relate to social dialogue, such as increasing labour rights knowledge among workers and employers. Initial activities centred on analysis of the findings from the minimum wage campaign, refresher training on the labour laws and guidance training for the core labour inspectors as preparation for them to educate workers and employers about factory inspections. Several seminars on occupational safety and health were conducted for management and workers' representatives at the factory level.

The minimum wage campaign, Mr Maniboun explained, entailed a press release on the Government's announcement of the minimum wage, with coverage by two major newspaper outlets and a nationally broadcasted radio channel. In terms of a wage gap between women and men workers, the Government found in its analysis of that campaign that 16 of 20 factory managers understood the information they had received regarding the minimum wage and its components; 16 out of 20 factory managers also said they were paying their employees the lawful minimum wage, although only ten factories made their

official wage records available and only seven factories were actually complying with the law. When labour inspectors asked some employers for their wage records, they told they were not available.

In connection with the minimum wage campaign, some employers included other payments or benefits in their employees' wages to push it to the lawful minimum wage level. Although the minimum wage is 900,000 Lao kip (LAK), or \$112, per month per person for full-time workers working at least five days a week, some employers pay only LAK500,000 as the basic wage and add in meals or a fee for lunch to bring it up to the minimum wage level. And around 67 in every 100 employees understood the minimum wage provisions: 48 in every 100 know that the minimum wage does not cover other payments or benefits. Only 23 calls have been received by the Government so far regarding the minimum wage.

The Government has conducted workshops in consultation with the trade unions in factories that focus on the role of collective bargaining at the workplace (to comply with the ILO Convention on Fee Charging Employment Agencies Convention (Revised), 1949 (No. 96), which the country has not yet ratified. The Government is now ensuring that legislation and regulations comply with the ILO Convention on the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), which it intends to ratify in the next few years. The workshops' object is to deepen understanding of productivity concepts, including how to improve productivity, negotiate for decent wages and share productivity gains.

The Government has organized monthly training sessions with the core labour inspectors on how to strengthen workplace improvement committees in factories, based on the number of workers. For instance, if there are 500 workers in a factory, there should be five workers' representatives and five management representatives. A labour inspector sits with each committee as a facilitator to work with the employers' and employees' representatives, asking them about the core problem in the factory. As an example, Mr Maniboun described a workplace improvement committee that conducted a consultation meeting on workers' high turnover rate, using the bowtie risk assessment method and butterfly analysis. In the bowtie method, the labour inspector sits as the chair of the meeting to facilitate the discussion between employers and workers, asking them about the core problem and digging deeper until they find the root cause. This process has helped to yield remarkable improvements because workers feel good exploring the problems they face. And the management listens to the workers' concerns, creating a friendly working environment for both workers and employers. This exercise even helps increase productivity, from which both sides gain. This mechanism of tripartite consultation at the factory level is thus workable.

Ten pilot factories are voluntarily participating in the project. Of them, nine factories have established a workplace improvement committee, with 17 committee meetings conducted and 39 factory visits made by the labour inspectors thus far. Training seminars have been conducted in two factories, with a total of 78 workers (88 per cent of them female). The project also works on improving the gender balance among the inspectors. The core group of inspectors increased from nine at the beginning of the project to 13 now, with 30 per cent of them female (who seem to work better with the female employees).

In conclusion, Mr Maniboun emphasized the importance of social dialogue through labour inspection intervention to promote and protect the rights of workers as well as to promote the obligations of employers within the labour laws, particularly on issues related to wages and occupational safety and health in factories.

Plenary discussion

- A representative from Singapore asked what criteria are taken into consideration for the selection of factories to visit and how to ensure the effectiveness of visits. Mr Maniboun replied that factories were not selected but that they volunteered at the invitation of the Government for the pilot project, as circulated through the Association of Lao Garment Industry. Priority was given to factories that produced garments for export. Labour inspectors who visit the factories report their results, based on a review of the training they conduct.
- A representative asked about the structure of the occupational safety and health (OSH) provisions and who provides personal protective equipment to workers. Mr Maniboun replied that protective equipment is provided by the employers in almost all cases, with no expense to workers. As for the government structure, there is an OSH Division and OSH committees under the Department of Labour Management. The OSH Division is at the central level and focuses on legislation and the legal framework rather than on action. This division is also responsible for conducting OSH training for workers and employers. At the factory level, the OSH committees are chaired and facilitated by the labour inspectors. Both workers' and employers' representatives participate in the committees in equal number and with a gender balance.
- A participant asked about determining the minimum wage in the Lao People's Democratic Republic. Mr Maniboun replied that the monthly minimum wage is LAK900,000, which is equivalent to \$112, depending on the exchange rate. The minimum wage was set after a consultation meeting with the Lao National Chamber of Commerce and Industry and the Federation of Trade Unions. Setting the minimum wage is a long process because there are many factors to be calculated, such as the cost of living per person per month.
- Mr Benavidez from the Philippines asked about the legal framework in non-garment sectors and with respect to the period prior to the project. Mr Maniboun replied that the project is new and is supported by the ILO, but the funds are from multiple donors through trade development facilities. The garment sector was selected for this project because it is the largest employment provider. The project's legal framework is based on the labour laws in terms of labour management. The labour laws provide equal opportunity to all sectors. However, due to the scope of employment and profile of garment workers (mainly poorly educated and uninformed on labour laws and regulations), the garment sector was selected.

3.2 Experiences from Malaysia

Presenter: Abdullah Bin Abdul Karim, Senior Consultant – Industrial Relations, Malaysian Employers' Federation, accompanied by Anita Binti Ahmad, Director, Department of Industrial Relations Selangor, Ministry of Human Resources, and Ng Choo Seong, Vice-President, Malaysian Trades Union Congress

Mr Karim opened by explaining that Malaysia is a federation of 13 states and a multiracial, multi-language country, with a population of nearly 32 million people as of 2015. The labour force entails nearly 15 million workers, including more than a million government employees, and as of 2015, nearly 2 million migrant workers. As of 2014, there were slightly more than a million registered companies and employers, including sole proprietorship and SMEs (35 per cent were sole proprietors and SMEs with 2–20 employees).

As of July 2016, the country had 732 registered trade unions and 13 employers' associations. There are 14 labour courts, including one federal territory court and 23 industrial courts or tribunals throughout the country.

Malaysia practises a tripartite system of industrial relations, but has had no major dispute for more than 20 years. The last major dispute was a strike in the late 1980s by the Malaysia Airlines employees. More than 60 per cent of trade disputes have been amicably settled through conciliation over the past decade. There is a cordial relationship between the stakeholders, and the Ministry of Labour acts as a facilitator to help parties agree while refraining from interfering to impose a settlement on them.

The country has a few laws to promote good industrial relations, led by the Industrial Relations Act 1967. The Employment Act sets the minimum terms and conditions of employment. The Trade Union Act governs activities of trade unions and how they deal with the Government. Migrant workers are treated equally under Malaysian law. For instance, if a Malaysian employee receives 1,000 Malaysian ringgit (MYR) as a minimum wage, an immigrant worker receives the same amount.

Based on the Code of Conduct for Industrial Harmony, which was introduced in 1975 to the tripartite constituents, a system of social dialogue was institutionalized. Industrial harmony through social dialogue is promoted through the Industrial Engagement Program, the Joint Consultative Council (at the enterprise level), seminars or dialogues in relation to employment, conciliation proceedings and court decisions. When there is a dispute between an employer and employee or between a union and the employer, the parties first try to settle the issue amicably, based on conciliation. If conciliation does not succeed, considerations are tried at various government departments. If they fail, the matter is taken to a court under recommendation from the Minister of Human Resources. This court is not a court per se but is considered as a tribunal. For the past three years, the number of disputes have reduced, and the number of decisions made by the court in favour of the employer is increasing. Regarding conciliation, issues are discussed at the workplace, at the Labour Department, the labour court and the Industrial Relations Department, and subsequently, the matter is referred to the industrial court. In his

conclusion, Mr Karim showed a bar chart of cases handled, settled, referred or reported between 2012 and 2014.

Plenary discussion

- A representative from Indonesia asked about the difference between the labour court and the industrial court and how they settle cases. Mr Karim replied that the labour court is staffed by a labour officer who presides as a judge and handles cases related to terms and conditions of employment, such as salary and paid leave. The judge makes a decision after listening to both sides. The industrial court handles employees' dismissal for misconduct. If an employee is fired and thinks it was unfair, they file a case to the Industrial Relations Department within 60 days to take back their job. The Industrial Relations Department investigates and then reports to the Minister of Human Resources, who decides whether to refer the case to the industrial court. For cases of misconduct, there is only one judge in the industrial court; cases related to collective bargaining are heard by three judges (the industrial court chairman or judge, a trade union representative and an employers' representative).
- A representative from Brunei Darussalam asked how Malaysian Airlines managed to retrench 6,000 employees in the 2015 restructuring after the two major disasters of 2014 without a big dispute. Ms Ahmad replied that in that mass retrenchment, almost all employees had received a retrenchment benefit, but around 4,000 employees filed a claim with the Industrial Relations Department, under section 20 on dismissal cases. The company has conducted reconciliation meetings, but no settlement has been reached yet. Preparations for writing a report is underway, which will be sent to the Minister of Human Resources for a decision on whether the cases will go to the national court or not.
- A representative asked if government employees in Malaysia are under direct supervision of the Ministry of Labour or if there is a separate body to regulate government employees. Mr Karim replied that government employees are protected under the Constitution. If a government employee is dismissed, they can take up the matter through the Supreme Court. If a private sector employee is dismissed, they can file a case with the Industrial Relations Department, which may refer it to the industrial court. Non-government employees are governed by the Industrial Relations Act and the Employment Act and are not governed by government audits, as with government employees.
- Mr Ahn asked why Malaysia has not ratified Convention No. 87 and if there is no legal restriction. Ms Ahmad replied that there is no restriction.
- A representative from Thailand asked for details of the industrial relations engagement programme. Mr Karim replied that both union and the Malaysian Employers' Association representatives normally talk with their members about their rights. They also conduct courses for members to inform them of any new legislation or court decisions.

3.3 Experiences from Thailand

Presenter: Pongthiti Pongsilamane, Vice-General-Secretary of Education, State Enterprises Workers' Relations Confederation, accompanied by Somwang Moryadee, Director of Labour Conflict and Dispute Conciliation Group, Ministry of Labour, and Bowornnan Thongkalya, Senior Executive Vice-President, Human Resources and Administration Group, Mitr Phol Group

Mr Pongsilamane opened with general information on Thailand's labour market. With a population of 68.2 million people (33 million males and 34 million females), some 40 million people, or 59 per cent, are aged between 15 and 60 years. There are some 356,000 enterprises, with 8 million employees. Only about 20 per cent of the working-age population receives labour protection as workers in the formal economy, with workers in the informal economy excluded. The informal workers account for approximately 60 per cent of the total population and are not covered by the labour protection law. There are 317 employers' associations, two employers' association federations, and 14 employer councils. Thailand has 1,413 trade unions, which account for only 0.3 per cent of enterprises and 861 industrial unions. Some 447,000 workers are members of a trade union, which account for only 5 per cent of all employed workers. The country has 21 labour union confederations and 15 labour union councils within the National Centre of Trade Unions. Thai trade unions are not associated and do not negotiate with the Government or employers.

Mr Pongsilamane described the process for submitting labour demands, negotiation processes and the consequences of labour disputes. Compared with Malaysia, he said, Thailand suffers from strife within its employer-employee relations, which needs further improvement. Citing statistics for 2015 and 2016, he noted that the demands of trade unions had decreased with the slowdown in the economy.

In 2015, there were 114 cases of collective disputes in 100 enterprises, involving more than 100,000 employees. Among them, 79 cases were resolved by a government-related third party. The top-three reasons for collective disputes were: (i) negotiation not starting within three days (Thai law stipulates that, once an employee submits a formal letter, the employer needs to set up a meeting and talk within three days. If not, a dispute results.); (ii) bad timing (the economy slowed in 2015, and GDP was not as high as expected); and (iii) representatives on negotiations could not make any decision. This happens often when there are meetings with employers. A total of 88,196 work days were lost because of the collective disputes in 2015, including one strike and five lockouts involving 2,058 employees. There were 181 individual disputes (individual disputes between employer and employees, whereby employees submitted a dispute letter to the Government) concerning wages, bonus or job change in 145 enterprises, involving 75,000 employees. Of them, 166 cases were settled by the Government. On average, it takes approximately 14 days after receiving the complaint letter to resolve a case.

Mr Pongsilamane highlighted the recent developments in industrial relations, including legislation. Thailand increased its minimum wage to 300 Thai baht (THB) almost four years ago; since then, the Government has tried to keep it constant out of fear of the impact with the economic slowdown, even though the wage is high, compared with other

countries. However, after receiving requests from employees for an increased minimum wage, the Government set up a committee to discuss maintaining an equal increase across Thailand or to separate it in accordance with the living expenses in different provinces.

Trade unions have been campaigning for almost 20 years with the Government to ratify Convention No. 87 and Convention No. 98. Due to political instability, ratification of either Convention is not moving forward (prior to the military government, the prime minister of the ruling party agreed to ratify the ILO Conventions, but because of regime change, the campaign had to restart). Recently, the Ministry of Labour announced revision of the labour law prior to ratifying both Conventions. A new committee to suggest changes to the Labour Relations Act and State Enterprise Labour Relations has been set up. The Labour Protection Law has a provision on the protection of employees, but it also allows short-term contracts, thereby providing flexibility for employers. In 2008, some revisions were made to the law, including section 11/1 to protect workers with short-term contracts. This change has not yet been enforced.

Thai law requires that all enterprises with 50 or more employees must convene an Employee Committee to: (i) ensure the welfare of employees; (ii) carry out discussions on the working regulations that would be beneficial to both the employer and employees; (iii) consider employees' complaints; and (iv) ensure compromise and settlement of disputes. Mr Pongsilamane noted that some enterprises have established the Employee Committee, some have not, and this may hamper the process of social dialogue.

The law also requires a similar mechanism in each state enterprise, but here it is called a Relations Affairs Committee and comprises: someone from the board of the state enterprise as the chairperson and representatives of employers (five to nine persons) and employees as members. The committee's powers and functions entail: (i) discussing ways to improve the operational capacity of the state enterprise as well as labour relations; (ii) finding ways to harmonize industrial relations and prevent labour disputes; (iii) discussing improvement of the laws and regulations that will benefit employees, the employers and sustain the enterprise; (iv) resolving problems in any grievance made by employees or a labour union, except complaints concerning disciplinary penalties; and (v) discussing ways to improve working conditions.

The regulation on a workplace welfare committee applicable to enterprises with 50 or more employees requires: (i) joint consultation with the employer for proposals on employees' welfare; (ii) giving advice and making recommendations to the employer regarding the welfare provisions for employees; and (iii) inspection, control and supervision of the welfare arrangement. Thailand has adopted this good practice at both the tripartite and bipartite levels. The Government has initiated a programme of enterprise competition on labour relations management and labour welfare and awarding enterprises for their effective practices. The objective is to motivate employers and employees in strengthening good labour relations in the workplace.

Plenary discussion

- A representative from Japan asked about the definition of an individual dispute. Mr Pongsilamane explained that Thai Law requires employees to submit a complaint letter, if they have failed to reach an agreement after negotiation with their employer.

If the letter is submitted by a trade union, it is a collective dispute; but if it is submitted by an employee and not through a trade union it is an individual dispute.

- A representative from the Philippines asked if the Government has any measure to monitor employee-management committees in SMEs with 50 employees or fewer. Mr Pongsilamanee replied that employee-management committees are not required for enterprises with fewer than 50 employees. But the Government runs a campaign to promote good labour practices through employee-management committees, even in SMEs.
- A representative from Cambodia asked why the number of strikes is lower than in Cambodia. Mr Pongsilamanee replied that it is not that low. This year, there has been no strike because the military government in Thailand issued a law that does not allow people to demonstrate without permission. To demonstrate, a request letter must be submitted to the local government administration for permission. There were a couple strikes during the administration of the previous government.

3.4 Experiences from Brunei Darussalam

Presenter: Nur Judy Abdullah, Secretary for Social Welfare, National Chamber of Commerce and Industry

Ms Abdullah began with a brief introduction to her country. Brunei Darussalam is located on Borneo island and shares its border with East Malaysia (Sabah and Sarawak) and Indonesia (Kalimantan). The land size is 5,765 square kilometres, as small as Singapore, with a population of around 411,900 people, who are predominantly young (around 64 per cent are youth aged 15–35). The economy is driven by the oil and gas industry, commanding the second-highest GDP in the region (after Singapore), at 40,979 Brunei dollars (BND) in 2014. The form of government is an absolute monarchy, with His Majesty the Sultan as Head of State. Thanks to its political and economic stability, the country is a welfare State, offering free education and free health care and requiring no income tax. The working population is at 310,400 people, based on working age of 15 years and older, and the number of employed persons as of 2014 was around 189,500.

The country has many foreign workers because of its small population. The demand for foreign workers began in 1929 when oil was discovered and workers were needed to explore the oil fields, both onshore and offshore. Ms Abdullah explained that the population consists of 66 per cent Malays who practise Islam, 7 per cent Chinese, 6 per cent indigenous people (the Dusun, the Murut, the Kedayan and the Kadazan) and 21 per cent others. Of the 21 per cent, most are foreign workers in the private sector. These workers are divided into skilled and unskilled categories, with many domestic workers from the Philippines and Indonesia. There are around 50,000 Indonesians in the country, and 17,000 of them are domestic workers. Most Bruneians work with the Government (there are 50,000 civil servants).

In the private sector, foreign workers are found in agriculture, forestry, fishing, mining, quarrying, manufacturing, construction, wholesale and retail trade, hotels and restaurants, transport, storage, communications, financial intermediation, real estate, renting and

business services, and community social and personal services. Basically, the business landscape comprises mostly SMEs, which constitute around 98 per cent of local business establishments across all industry sectors and employ 60 per cent of all private sector workers. The combined SME revenue generated in the private sector accounts for around 27 per cent of the total economy. The other revenue derives from the oil and gas industry. SMEs thus have a large potential to contribute to sustainable economic diversification, as stated in the Country's Vision 2035.

Ms Abdullah stressed that the Government has provided full support for the growth of SMEs. According to a World Bank report, the country has generally improved its ranking on the Ease of Doing Business Index, moving to the 84th level in 2015 from 105th in 2014. This is indicative of government support in assisting and facilitating the development of businesses in the country, including SMEs.

Trade unions can be established under the Sultanates Trade Union Act 1962. However, the law prohibits unions and federations from affiliating with international trade union bodies unless with consent from the Ministry of Home Affairs and the Labour Department. Failure to register is seen as an offence, carrying a fine that is as much as BND300 per day. There is only one union in the country, the Brunei Oilfield Workers Union for onshore workers. It was established in 1962, and its members currently are from the Brunei Shell Petroleum Company and the Brunei Liquefied Natural Gas. Its objectives are to ensure that members are properly advised on policies affecting their working conditions, to improve relations and communication between both companies and the union and to resolve grievances and problems according to each company's procedures. They have a collective bargaining agreement, which is signed every three years with both companies. There is no workers' organization for workers in the offshore oil installations.

Employment Order, 2009 is the main legislation governing the terms and conditions of employment and covers all persons employed under a contract of service, which may be written or implied, but excludes seamen, domestic servants and any person employed in a managerial, executive or confidential position. Civil servants and all employees of statutory bodies are also excluded. As legal provision on workers' education and safe migration campaigns, the Employment Agencies Order, 2004 regulates employment agencies. In 2004, employment agency activities were regulated within the country to protect employers and employees through: (i) registration and licensing of all agencies; (ii) monitoring of agencies and the receiving and addressing of complaints from the public related to employment agencies; (iii) conducting investigations on employment agency matters; and iv) taking appropriate actions when necessary to enforce the Order. The aim is to prevent: (i) human (labour) trafficking; (ii) forgery of documents and signatures; and (iii) irresponsible and unscrupulous employment agencies.

The Employment Information Act 1974 allows government agencies to enter business premises and inspect documents to determine how many employees an enterprise has and their profile. The Workmen's Compensation Act and the Workplace Safety and Health Order Act 2009 regulate the protection of workers' rights.

Any employee in either the public or private sector can lodge a workplace complaint online or by email to the Local Employment and Workforce Development Agency under

the Labour Department and they can do so anonymously. Common causes of complains relate to late or incorrect payment of salaries and termination of contracts without notice. The Labour Department has received six complains so far, mostly on non-payment of salary. After receiving a complaint, the Local Employment and Workforce Development Agency launches an investigation.

Ms Abdullah noted that good practices of industrial harmony and social dialogue include facilities for employees in private firms to have dialogues. Although Brunei Darussalam does not have a system of collective bargaining, workers communicate with the management based on their own company rules and also conduct their own dialogues. In 2016, the Government established Darussalam Enterprise, which is a statutory body aimed at nurturing and supporting local SMEs. So far, it has organized 12 dialogues that engaged around 1,007 workers from different sectors as well as the business community, government agencies and district offices. These social dialogues allow Darussalam Enterprise to determine underlying issues affecting SMEs. Darussalam Enterprise plans to follow up the dialogues with focus group sessions to discuss specific concerns per industry category, like halal food, the creative industry, tourism and construction.

The Brunei Malay Chambers of Commerce and Industry initiated a World Café in which members and other stakeholders in the business community organize dialogues with government agencies regarding their business challenges. There were three sessions in 2015; a summary of the dialogues is forwarded to relevant agencies, particularly the Ministry of Foreign Affairs and Trade, for further action.

Plenary discussion

- A representative commented that the Brunei Oilfield Workers Union was not functioning at the moment because elected members were promoted to managerial positions. He appreciated the Government's initiative in supporting the formation of the Darussalam Enterprise to promote SMEs. From a trade point of view, he expected similar government initiatives for workers to engage in dialogue within the organization.

3.5 Experiences from Indonesia

Presenter: Hariyadi Budi Santoso, Chairman, Employers' Association of Indonesia, accompanied by Muhammad Arief Winasis, Head, Subdivision of Evaluation and Reporting, Directorate General of Industrial Relations and Workers Social Security, Ministry of Manpower, and Yudi Permana, Vice-President, Federasi Serikat Pekerja Metal Indonesia

Mr Santoso began by describing Indonesia's labour conditions and population profile. Of the nearly 188 million people aged 15 or older (in a total population of approximately 250 million), nearly 128 million of them, or 68.1 per cent, are in the labour force. And of the nearly 128 million workers, nearly 121 million, or 94.5 per cent, are employed, leaving around 7 million people, or 5.5 per cent, unemployed. Of those employed workers, around 84 million people, or 69.9 per cent, have normal working hours (more than 34 hours per week) and some 36 million, or 30.1 per cent, work fewer than 34 hours per week. In the ASEAN region, Indonesia has the largest working population.

Although industrial relations conflicts still occur, the number of disputes and strikes have declined. The country has a minimum wage, which covers decent living needs, also known as *kebutuhan hidup layak*; medical clinics and services, transportation, canteens, housing, cooperatives, prayer rooms and workers' protection are provided through the country's social security system. By law, enterprises must accept the formation of trade unions. To develop industrial relations infrastructure, Indonesia established bipartite cooperation institutions, including a Labour Management Committee, tripartite cooperation institutions, company regulations, collective labour agreements, statutory labour laws and regulations and an industrial relations dispute settlement institute. There is also a labour court, under the Supreme Court.

Mr Santoso noted that the incidence of industrial relations dispute cases and strikes had declined since 2012. That year, there were 2,753 dispute cases but only 1,263 cases in 2015. The number of strikes peaked in 2013, at 239 incidents, but declined to 62 incidents in 2016. At the same time, the number of registered companies increased, from 47,969 in 2012 to 60,280 in 2016, while collective labour agreements increased from 11,435 in 2012 to 13,160 in 2016. Bipartite corporation institutions (labour management committees) also increased, from 14,339 in 2012 to 16,557 in 2016. Indonesia has a tripartite cooperation institution at the national level and many at the provincial level (32 in 2010 and 34 in 2016, due to a new province). At the district level, the number increased from 202 institutions in 2010 to 323 in 2015. All in all, Indonesia has 500 district and city cooperation institutions, leaving 177 districts without any such mechanism.

The social security system for workers is divided into: (i) health care security, called BPJS Kesehatan; and (ii) employment security, which includes benefits for a work accident, work-related death (for dependants), old age and pension. In 2019, Indonesia will add housing social security. The social security schemes for workers entail a surviving spouse scheme, an old-age scheme, an accident scheme and the pension scheme.

From the viewpoint of the Employers' Association of Indonesia, the social security system is a burden; employers must contribute 4 per cent of workers' wages for the health insurance scheme, 0.3 per cent for the work-related death scheme (for dependants), 0.2–1.7 per cent (depending on the risk and the sectors) for the work-related accident scheme, 3.7 per cent for the old-age scheme and 2 per cent for the pension scheme. Thus, employers pay between 10.2 and 11.7 per cent of workers' wages. Additionally, they must reserve 14 per cent of the average minimum wage per year and 8 per cent for the severance payment reserve, totalling 30.2–31.7 per cent for their employment cost (excluding bonuses and incentives). Workers contribute 1 per cent of their income to the health security scheme, 2 per cent to the old-age scheme and 1 per cent to the pension scheme, for a total 4 per cent contribution to the social security system.

The pension benefit received by employees or labourers is only 15–40 per cent of the average wage. If the average wage is 2 million Indonesian rupiah (IDR), for example, the money received ranges between IDR300,000 and IDR800,000.

As of 2016, there is a new regulation for calculating the minimum wage, based on a formula that includes the increase of the minimum wage based on national inflation and

national economic growth. Under this new system, the increase of the minimum wage can be accurately anticipated. And it looks fair for workers because they are protected. However, for both employers and employees, the new minimum wage setting system has pros and cons.

Regarding the role of industrial relations actors, the government policy and strategy intend to: (i) improve the quality of institutional governance and industrial relations cooperation by enhancing training on negotiation techniques and increasing employers' and workers' understanding of the procedures for bipartite cooperation institutions; (ii) ensure a fair wage system through improved understanding of industrial relations concerns in remuneration and through training for enterprises, technical officers and wage council members on wage scale structures; (iii) boost social protection for workers by increasing their understanding of the actors involved in the social security system; (iv) apply the principles of industrial relations in the prevention and settlement of industrial disputes; and (v) improve the quality of governance in terms of employment welfare and discrimination analysis.

An industrial relations expert is crucial in setting up a systematic mechanism to handle industrial relations concerns, Mr Santoso stressed. He highlighted an Employers' Association of Indonesia initiative to support industrial relations through its training centre: sharing good practices on human resources, offering trainings and workshops on industrial relation issues and certifying industrial relations practitioners, in cooperation with the University of Indonesia.

Mr Santoso explained the social dialogue procedures in the bipartite cooperation institutions and provided a case of successful social dialogue in West Java that had bridged differing perspectives, thereby producing multi-enterprise collective labour agreements. He concluded by emphasizing the importance of social dialogue through the many social dialogue forums, such as the Wage Council and the bipartite and tripartite cooperation institutions, to minimize disputes and reach consensus. It is crucial that data be collected and facts researched to facilitate the process.

Plenary discussion

- Mr Ahn asked if there are criteria to select the six federations from the 94 federations as a social dialogue partner. Mr Santoso answered that there are no criteria, but it is based on consensus.
- A representative from Singapore asked if there are new regulations or if the Government had taken any specific action that could be responsible for the sharp drop in disputes after 2014. Mr Santoso attributed it to the success of social dialogue and awareness among all parties on the need for social dialogue.
- A representative from Singapore inquired about re-employment to support workers of retirement age and about the retirement age in Indonesia. Mr Santoso said it was too early to answer because the pension scheme only started in 2015.

3.6 Experiences from Singapore

Presenter: Ng Yuet Peng, Senior Assistant Director, Industrial Relations, Ministry of Manpower, accompanied by Clariz Ang, Senior Manager (Industrial and Workplace Relations) and Consultant (Human Resources and Industrial Relations), Singapore National Employers Federation, and Loh Joo Shia, Daniel, Deputy General Secretary, Air Transport Executive Staff Union

Ms Ng started her presentation with a brief history of industrial relations in Singapore that began in 1946, when the first trade union was registered. She noted that in the 1940s and 1950s, strikes and trade disputes were common, but after introduction of the Employment Act and the Industrial Relations Act in the 1960s, the number of strikes began to taper off. The last legal strike was in 1986, although there was an illegal strike in 2012. The number of trade disputes that are referred to the Ministry of Manpower for resolution has also reduced drastically, from a peak of 700 cases a year to about 120–130 cases a year. The number of cases that are referred to the Industrial Arbitration Court also has reduced. In the past ten years, fewer than five cases were sent for arbitration, which demonstrates that labour management relations have improved (meaning most disputes are resolved at the enterprise level). In Singapore's experience, five major factors have contributed to harmonious industrial relations: (i) a sound legal framework; (ii) effective dispute settlement processes; (iii) responsible trade unions; (iv) responsible employers; and (v) tripartite cooperation.

Prior to enactment of Employment Act, Singapore had three labour ordinances: (i) for white collar management; (ii) for workers; and (iii) for shop assistants. Because these three ordinances had different terms, human resource management became challenging and led to many disputes. To resolve the problem, the Employment Act consolidated the labour ordinances to provide a minimum set of employment standards for employees and employers. The Employment Act stipulates the basic, minimum rights and obligations of employees and employers. The Industrial Relations Act provides a legal framework and orderly system for collective bargaining, conciliation and arbitration on industrial disputes.

The Trade Unions Act provides for control and registration of trade unions and regulates concerns arising from trade disputes, and the Retirement and Re-employment Act sets the minimum retirement age (currently at 62 years). When employees reach this age, employers have a legal obligation to offer re-employment to eligible employees. "Eligible" in this case means satisfactory work performance and medical fitness to continue working. As of July 2017, this re-employment age will be extended to 67 years. The Government, employers and the trade unions are working together to encourage early adoption of this extension. Another key piece of legislation is the Central Provident Fund Act, which set up the Central Provident Fund Board and the regulations on contributions to the fund. Additionally, the Criminal Law (Temporary Provisions) Act prohibits industrial actions involving workers in essential services, such as water, gas and electricity; any trade disputes are referred to the Industrial Arbitration Court if they cannot be resolved at the enterprise level.

To facilitate dispute settlements, Singapore has two processes, one for unionized sectors and one for the non-unionized sectors. If issues arising from an employer or unions in a unionized sector cannot be resolved at the enterprise level, it can be referred to the Ministry of Manpower for conciliation. The assigned conciliator will ask all parties to contribute options for resolving the issues and moving forward. If the issues cannot be resolved at the conciliation stage, these cases will be referred to the Industrial Arbitration Court. For the non-unionized sectors, the Ministry of Manpower provides a labour court to adjudicate disputes lodged by workers. As of April 2017, this labour court will be subsumed under the Employment Claims Tribunal within the judiciary and will thus be presided by judges. The tribunal will have a greater range of power. For instance, under the labour law, only cases involving employees, professional managers and secretaries under the salary cap of 4,500 Singaporean dollars (SGD) per month are entertained in the labour court; if someone filing a complaint earns more than SGD4,500, they cannot be referred to the labour court for adjudication but instead must seek out a private mediation centre for help or engage a lawyer to do it under a common law process. As of 2017, however, all cases will be referred to the Employment Claims Tribunal as long as each case involves an employee with a dispute issue related to their salary. To support the tribunal, Singapore is setting up a Tripartite Mediation Centre to mediate disputes first; cases that are not resolved will travel on to the tribunal for adjudication, and attendance is compulsory.

Trade unions in Singapore are committed to working closely with employers and the Government to enhance business competitiveness and workers' employability and aim to resolve matters amicably. Key functions are to provide support and involve themselves in workers' training and development and take a role in tripartite collaboration to address and tackle industrial relations and employment issues and enhance workers' welfare through workers' cooperative programmes. Most employers in Singapore comply with the minimum employment and labour laws; they reward their workers fairly for their contributions and performance. They are encouraged to share relevant information with employees and unions to facilitate collective bargaining and dispute resolutions. They are also to adopt progressive employment practices.

Ms Ng described Singapore as having strong tripartite relations, inclusive of members from the Ministry of Manpower, the Singapore Employers' Federation and the National Trade Unions Congress. This tripartite cooperation: (i) promotes positive trade unionism; (ii) enlightens management for labour management cooperation for better outcomes and benefit to the businesses and workers; (iii) adopts partnerships and problem-solving approaches to prevent and resolve industrial relations disputes; and (iv) forms various tripartite committees, work groups and forums to address major employment industrial relations issues. Several tripartite advisory guidelines for employers and workers on topical issues and organizing social and informal activities have been produced to foster better mutual understanding, closer rapport and cooperation.

In terms of the tripartite cooperation work, dialogue through tripartite committees is an easy way to change things, Ms Ng said. Sometimes the legislation may not lead to effective implementation at the enterprise level. The important thing is that social partners mutually understand each other's needs and concerns and come up with feasible and practical solutions together. Ms Ng provided some examples of tripartite cooperation in

Singapore. The first example is the National Wages Council, which was mooted by Albert Winsemius, a World Bank economic advisor to Singapore in the early 1970s who helped with the industrialization programme. It was Winsemius' suggestion to the tripartite social partners to establish wage guidelines to achieve orderly wage increases in line with the nation-state's industrialization and economic growth. The National Wages Council was set up in 1972 as a tripartite advisory body comprising representatives from employers, trade unions and the Government. It formulates and recommends annual wage guidelines, through which workers have enjoyed sustainable wage increases based on productivity improvement while enabling companies, industries and the economy to remain competitive. The National Wages Council also initiated many other changes, such as wage restructuring, skills training, upgrading and extension of the retirement age.

The Industrial Arbitration Court is another platform for tripartite cooperation. Some statutory boards, such as the Central Provident Fund Board, have tripartite representation on various committees, such as: (i) work-life strategy and the employability of older workers; (ii) community engagement at the workplace; (iii) tripartite alliance for fair and progressive employment practices; and (iv) low-wage workers and inclusive growth. These tripartite committees provide an important forum for the three social partners to tap one another's views and ideas, jointly address issues of common concern and consult together to reach consensus on measures to adopt. Various tripartite committees further strengthen trust and cooperation among the social partners. Ms Ng cited several examples of current tripartite initiatives: (i) the Singapore Tripartism Forum; (ii) the Progressive Wage Model; (iii) the Promotion of Flexible and Performance-Based Wage System; (iv) the Promotion of Fair and Progressive Employment Practices by the Tripartite Alliance for Fair and Progressive Employment Practices; and (v) the Enhancement of Employability of Older Workers.

Ms Ng explained the functionality of the Singapore Tripartism Forum, which was launched in January 2007 by Prime Minister Lee Hsien Loong and the Ministry of Manpower. Through the forum, topical leaders engage in dialogue with union leaders, employers' association representatives and chambers of commerce officials to broaden the understanding of challenges faced by enterprises and workers. She singled out a dialogue from 2009 with the Prime Minister and 550 business leaders, union officials and government representatives on the issue of saving jobs and creating growth in a global downturn that was intended to rally tripartite community and strengthen cooperation to overcome the economic crisis. The forum maintains a website and a quarterly e-newsletter called Tripartism@Work, which was launched to enhance the tripartite partners' outreach efforts. Under the Singapore Tripartism Forum umbrella, there is also a tripartite leadership programme and an industrial relations seminar. The former provides youth with an in-depth understanding of the roles of the tripartite partners in contributing to strong tripartite relations, which has been a key competitive advantage of Singapore. The latter is an annual platform to discuss and exchange views on topical employment and industrial relations-related issues.

The latest initiative to deepen tripartism in Singapore is a SkillsFuture movement, which was formed with tertiary education institutions and training providers to identify the skills needed in the future and to design courses to equip Singaporeans with relevant skills. Singapore wants to develop tripartism at the sector level and a strong tripartite

relationship at the national level, which will make the specialized needs of employers and workers more clear in each industry. Ms Ng noted that sector-based tripartite committees have been formed, including financial, retail, hotel, maritime and air and land transport, to establish and co-drive sector-specific initiatives, especially to develop human resource development plans.

Ms Ng emphasized the importance of Singapore's continuous preservation of harmonious and cooperative labour management relations, which has been a cornerstone of the economic foundation as the country advanced into an era of increasing competition and intense globalization. Management and union employees should work even closer to foster this synergetic partnership to bring about a globally competitive workforce to achieve business excellence. As a good practice in social dialogue, Ms Ng noted that management and unions strongly encourage observing a Code of Industrial Relations Practice, which is not a legislative document but was developed by the tripartite partners. Some of its key points: (i) collaboration, not confrontation; (ii) leadership and mandate, meaning the parties have to lead by example and take responsibility; (iii) major trust and respect, understanding and integrity; (iv) sharing of information; (v) professionalism, whereby parties conduct industrial relations professionally and competently, based on sound business and economic principles and an understanding of human relations; and (vi) mutuality of purpose, so that parties identify common objectives and formulate win-win outcomes. Parties are also encouraged to place long-term goals above short-term gains.

Ms Ng concluded by emphasizing the benefits of tripartite partnership to enterprises, workers and the economy by creating a favourable investment climate, economic growth and job creation. Singapore's experience of tripartism has aided in a virtuous cycle of high productivity and favourable investment climate, leading to economic growth and job creation and the highest standard of living and social-political stability.

Plenary discussion

- Mr Matsui from Japan commented that all ASEAN members could learn from Singapore's experience and achievement to develop their country's industrial relations. Ms Ng noted that it had been a long, challenging way for Singapore to achieve this level of harmonious industrial relations. In the 1960s, the tripartite partners were confrontational, but leaders have changed, together with the population profile, along the way.
- Mr Ritchotte asked for details on the differences and similarities between the labour court and the new employment tribunal. Ms Ng explained that a labour court covered cases on minimum terms and conditions of employment, filed by people who earning less than SGD4,500 a month (mainly rank-and-file employees). The labour courts are not available for other cases. Now, however, professional managers, executives and technicians, who account for 54 per cent of the employed population, can file a case with the Employment Claims Tribunal. Under the Ministry of Manpower, the labour court is more of a statutory function, and the Employment Claims Tribunal will be part of the legal system.

3.7 Experiences from Viet Nam

Presenter: Nguyen Duy Phuc, Vice-Director, Center for Industrial Relations Development, Ministry of Labour, Invalids and Social Affairs, accompanied by Thach Thi Hop, Manager, Vietnam Chamber of Commerce and Industry, and Tran Thi Thuy Hang, Deputy Chief of Division, Vietnam General Confederation of Labour

Mr Nguyen opened his presentation by pointing out the changes in Viet Nam's socio-economic conditions: (i) a shift from a centralized economy to a socialist-oriented market economy, which took more than three decades; (ii) efforts on deeper integration into the world economy through market mechanisms and institutions (such as free trade agreements and upholding responsibilities as an ILO member), especially in the past two years; (iii) industrialization and development of the labour market, which led to the movement of workers from rural areas to industrial zones; and (iv) employment by enterprises. By the end of 2016, around 41.4 per cent of the labour force will be working for an enterprise. Most workers in the industrial zones now are young, poorly trained and working in low-wage and labour-intensive foreign direct investment enterprises.

Mr Nguyen pointed out six elements of the industrial relations system: (i) the representative role of workers' organizations; (ii) the representative role of employers' organizations; (iii) dialogue in industrial relations; (iv) collective bargaining and collective bargaining agreements; (v) labour disputes and labour dispute settlements; and (vi) State management of industrial relations.

The Vietnam General Confederation of Labour (VCGL) is the only trade union as well as a socio-political organization representing all workers and labourers from across the country, even if they are not a member of the organization. With its unified four-level system, Mr Nguyen said that the VGCL is doing a great job to unify and speak for workers, including protecting their rights as well as tripartite participation. However, at the enterprise level, this organization does not have a representative role for workers because union officers at the grass-roots level are manipulated by employers. In one province, for instance, more than 90 per cent of trade union officers are working as managers in enterprises.

Viet Nam has a fairly large number of enterprise associations, at approximately 400 currently. Most associations were established to assist members rather than represent them in industrial relations. Only three official representative organizations work in industrial relations and law development: the Vietnam Chamber of Commerce and Industry (VCCI), the Vietnam Cooperative Association and the Vietnam Small and Medium Enterprise Association. In general, employers are not pressured to associate on issues relating to industrial relations.

Among the three official employers' organizations, the VCCI takes an active role in industrial relations, although its influence remains limited due to lack of connection at the industry and provincial levels. Mr Nguyen described the dialogue concerning industrial relations at the national level as progressive and effective. Workers' and employers' representatives are engaged in the industrial-related policy and law development

processes. In particular, the National Wage Council, composed of members from the Ministry of Labour, Invalids and Social Affairs, the VGCL and the VCCI, is working on determining the minimum wage.

At the enterprise level, dialogue between employers and employees does not go well or is done for the sake of it, especially in labour-intensive foreign direct investment enterprises in the industrial zones, because: (i) the labour supply outnumbers the demand in the labour market; (ii) most workers are poorly educated rural immigrants with little or no learning opportunity or promotion, resulting in their poor engagement in enterprises; and (iii) the role of grass-roots trade unions remains limited because they are influenced by employers, which leads to workers' distrust in their own organization. Also, enterprises may have collective bargaining agreements, but most are just a copy of the minimum labour standards in the law. There is no real collective bargaining taking place within enterprises, mainly due to the limited role of the workers' organizations.

At the enterprise level, collective bargaining agreements are at a pilot stage only. A few multiple-enterprise agreements were signed in the past two years, such as the collective bargaining agreement for L'Oréal enterprises in Hai Phong, an agreement for tourism enterprises in Danang and an agreement for wood-processing enterprises in Binh Duon. Most of them, however, look like a certificate rather than an outcome of negotiation. At the industrial level, there is only one collective bargaining agreement and it is in the textile industry, which includes more than 120 enterprises. The multiple-enterprise collective bargaining agreements recognize workers' rights rather than the actual bargaining between workers' and employers' representatives.

Mr Nguyen explained that labour disputes, particularly individual labour disputes, which are frequent, are mostly settled through mediation and arbitration in the People's Court. The number of collective labour disputes have declined over the past two years. The number of strikes fell from 335 in 2013 to 268 in 2014 to 245 in 2015. The nature of labour disputes does not vary significantly. There has been a total of 6,000 strikes over the past two decades, none of them led by a trade union.

In reference to the legal procedure for collective labour dispute settlement, Mr Nguyen categorized two types of disputes: (i) dispute of interest; and (ii) dispute of right. If a dispute is of interest, the procedure involves three steps: (i) labour mediator; (ii) labour arbitrator committee; and (iii) strike. If a dispute is of right, the procedure involves three steps also: (i) labour mediator; (ii) chairman of the district People's Committee; and (iii) court. Because most disputes are not led by a trade union, every legal procedure has been ignored to date. When a strike breaks out, an interdisciplinary task force visits the enterprise to settle the dispute, thus workers win in almost all cases.

Mr Nguyen explained the role of the Government in industrial relations. During the transition from a central economy to a market economy, the role of management changed. There are now 500 labour inspectors for hundreds of thousands of enterprises, mostly SMEs. It is crucial that the Government revamps the structure to fit the market mechanisms and avoid direct intervention of formulaic regulations.

The first labour law was drafted in 1994. Since then, Viet Nam has undergone various developments. For instance, the 2012 Labour Code created an open framework for

industrial relations at the workplace that complies with the development of the labour market. Between 2013 and 2015, the Government continued to fine-tune its legal framework through the promulgation of decrees. Currently, the Government has initiated research work on amendments to the Labour Code to comply with the commitments and obligations for the TPP and for ratification of Convention No. 87 and Convention No. 98.

Following up on the legal framework, Mr Nguyen highlighted the provisions of Decrees 60, 46 and 5. Decree 60 details the form of social dialogue and negotiation for enterprises. In this decree, the Government mandates three forms of dialogue to each enterprise: (i) periodic dialogues, every three months; (ii) a workers' conference; and (iii) dialogues per party's request. Under this decree, each enterprise must develop three regulations: (i) a democratic regulation in the workplace; (ii) periodic dialogues regulation; and (iii) organization of the workers' conference. Decree 46 details the provisions in the Labour Code on labour dispute settlement, such as mediation of labour disputes and delaying or terminating strikes. Decree 5 details the provisions of the Labour Code on collective bargaining and collective bargaining agreements. These decrees state that if any strike takes place, a government officer is dispatched to the enterprise after 60 hours. Due to that lengthy time requirement, a provincial authority is dispatched to the workplace as soon as a strike occurs to begin a resolution process.

The Government interferes deeply in the social dialogue mechanism at enterprises. There are, however, some good practices on social dialogue, such as the Performance Improvement Consultative Committee. The Center for Industrial Relations Development has been collaborating with the ILO Better Work programme in enterprises to implement Decree 60 to improve social dialogue and industrial relations. There have been no strikes, and labour productivity and working conditions have improved in enterprises collaborating with the Performance Improvement Consultative Committee.

During the next two years, Viet Nam will conduct research on the transformation of the legal system and its industrial relations institutions to fully comply with the ILO fundamental labour standards and the TPP standards. The VGCL is taking aggressive steps to maintain its position and to best protect workers' interests, especially when Viet Nam plans to have more than one workers' organization.

Mr Nguyen concluded his presentation by emphasizing Viet Nam's preparedness for a major transformation in industrial relations. The core issues are the implementation of Convention No. 87 concerning Freedom of Association and Protection of the Right to Organise. Viet Nam is using the initiative to transform the industrial relations system not only to comply with its industrial relations commitments but also to serve its own need to fine-tune the market economy institutions and take advantage of its inner strength in order to improve the effectiveness of its global integration.

Plenary discussion

- A representative from Malaysia asked if the collective bargaining agreements are effective or fake, to what extent workers know about the collective bargaining agreements and who leads a strike if it is not led by a trade union. A Vietnamese representative responded that not all workers know that there is a collective bargaining agreement. In his research, they even did not know the name of the

chairman of the trade union organization. Trade union officers do not lead the strikes, although every strike is organized well – nobody knows who the leader is.

- Mr Matsui asked how workers' representatives are selected under Decree 60 for periodical social dialogue every three months and if unions are manipulated by employers. He also commented on ratification of Convention No. 87 and Convention No. 98. As an employer member of the ILO Committee on Freedom of Association, he advised that Viet Nam be very cautious about ratification because these Conventions require the presence of multiple unionists as well as guidelines set by the Committee on Freedom of Association to allow workers' unions to demonstrate. A Vietnamese representative responded that, in general, Decree 60 is difficult to follow. The decree states that employers and employees in enterprises must select representatives. The representatives of the employer are appointed by the employer. Workers' representatives are selected during the workers' conference each year. Each side has more than three representatives. In the past, workers' representatives included the chairman of the trade union and other workers selected for the role during the workers' conference.
- Mr Matsui commented that when the Government introduced this clause, ILO technical officers in the standards department assisted and it was working.
- A representative asked about the current employment situation in which the labour supply outnumbers the demand, how the labour force is absorbed in the labour-intensive industry and if the country has any plan to change from a 48-hour work week to 40 hours. A Vietnamese representative responded that workers in the rural areas are moving to the industrial zones, where many labour-intensive foreign direct investment enterprises are located. There is no plan to reduce the working time.

3.8 Experiences from Cambodia

Presenter: Sok Lor, Secretary General, Cambodian Federation of Employers and Business Associations, accompanied by Suth Seneth, Official, Ministry of Labour and Vocational Training, Labour Dispute Department, and Chhum Chhat, International Department Officer, Cambodian Confederation of Trade Unions

Mr Lor began with a brief introduction of Cambodia and its population profile. Garment and footwear are the main export industries. Various policy documents, such as the Industrial Development Policy, are being implemented. The Government sees industrial relations as a priority for the next ten years because it understands the need to ensure stability if economic growth is to continue. There are references in the Industrial Development Policy to the need for improved working conditions, for passing a trade union law and for the introduction of a specialized labour court, as well as a review of the 1997 Labour Law, which is the fundamental document prescribing working conditions. There are also other references to the need for labour law reforms in other policies.

Recently, there was some movement in terms of reform in the way labour inspection is conducted. Labour inspection in the past used to involve several teams doing separate inspections in different factories. The teams are now unified under one umbrella. The

Ministry of Labour and Vocational Training is engaged in an agreement with the ILO for technical support on better industrial relations (2013–2018), and there is ongoing support and participation from the Government in activities under the ILO Better Factories Cambodia.

The Government values participation from trade unions and employers in the reform and improvement of the industrial relations climate. Cambodia has almost 3,600 trade unions and eight employers' associations. Although illegal wildcat strikes are common in the garment and footwear industry, there has been constant progress in industrial relations over the years, with the support from many actors, including the ILO.

Despite the illegal wildcat strikes, industrial relations have continued to improve. Cambodia has ratified all the fundamental ILO Conventions, including the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87). Within that framework, some 3,598 enterprise-based trade unions in around 700 enterprises (mostly garment and footwear) have organized. This is an opportunity and an issue at the same time. It is a challenge that most enterprises operate within the environment of multiple trade unions, which generally have the same unionization strategy, thereby leading to targeting the same membership group with the same strategy.

In 2013, Cambodia experienced a general strike that caused turbulence for some time, not only inside the country but outside, by affecting the confidence of potential investors. As a result, the Government introduced a structured process for negotiation on the minimum wage, to which the better stability in recent years is attributed. Cambodia had established a Tripartite Labour Advisory Committee, as stipulated in the labour law, before the general strike, but it had operated on an ad-hoc basis. After the general strike, the Government introduced a system of revision of the minimum wage for the garment sector every year, based on objective socio-economic data. Trade unions and employers' associations have welcomed the stabilizing of industrial relations that has resulted. Due to the improvement, the strike level has dropped. The minimum wage is now \$140 per month, excluding a number of wage-related benefits, although the Ministry of Labour and Vocational Training is leading the current revising process, which is to be completed by October 2016. The new wage level will be implemented by the beginning of 2017.

Mr Lor highlighted the new Trade Union Law as a milestone for industrial relations in the country – for the past 20 years, there was no industrial relations law. The Ministry of Labour and Vocational Training is currently preparing implementing regulations. There are labour court procedures in place. When there are labour disputes, parties begin negotiating. If the situation cannot be negotiated, the case is referred to the Ministry for conciliation. If it cannot be resolved, it is considered a collective labour dispute and referred to the National Arbitration Council, which is a tripartite institution.

Despite characterization of the National Arbitration Council as having done a good job, there is perceived room for further improvement. There have been complaints on the lack of effectiveness in the enforcement of the labour law, particularly in response and compliance. The Ministry is now drafting labour court policies in consultation with technical experts. The Cambodian Federation of Employers and Business Associations (CAMFEBA) is participating in this process, hoping that the court will embrace such

principles as independence, transparency, efficiency and effectiveness in the way it functions. If it tries to resolve labour problems without these principles, it will create further inefficiency and ineffectiveness in the whole process. To avoid this, development of a position paper is being discussed, and a review of the 1997 Labour Law is ongoing.

Under the Trade Union Law, Mr Lor explained, there is wider scope for freedom of association for air and maritime transport employees (this right was not granted under the 1997 Labour Law). Also included is the financial reporting responsibility of workers' and employers' organizations. Additionally, the law transforms the entire regime of collective bargaining, but there is stark conflict in terms of a collective bargaining agreement between the old (1997) law and what is proposed in a new law. While the new law states the term must be a "minimum" of three years, the old law says "at most" three years. The only way to keep it valid is to keep it precisely at three years. But this conflict must be clarified to adopt the practice of collective bargaining.

In Cambodia, the most represented trade union has the sole legitimacy to negotiate with employers. The threshold for obtaining that status for trade unions was reduced from 50 per cent to a minimum of 30 per cent, which opened much space for unions to obtain such status, thereby creating opportunities for collective bargaining.

Regarding good practices on industrial harmony and social dialogue, it is easy at the national and the industry levels to see whether the social dialogue mechanism works or to what extent, but it becomes a challenge at the enterprise level. Generally, the Government organizes many social dialogue forums. Under the overall framework, the Government cares about attracting foreign direct investment and promoting the investment climate for economic growth. There is a special working group on industrial relations: CAMFEBA functions as the secretariat and the working group discusses labour-related policies before they are submitted to the Government. At the national level, there is also one statutory body, the National Tripartite Labour Advisory Committee, comprising 14 representatives from the Government, seven from employers' associations and seven from trade unions. The committee manages the minimum wage. New and progressive attitudes and functions of the committee have helped in the stabilizing of industrial relations. The National Arbitration Council, which was set up with ILO support, works on social dialogue and dispute resolution. Prior to the Council, social dialogue between employers and the trade unions in the garment sector was conducted through a memorandum of understanding (MOU) agreement. Social dialogue issues mainly focused on non-compliance and illegal strikes. The MOU was not renewed in 2014 due to constant violations by the trade unions. Employers did not see great benefits when one party did not embrace the agreement. At the enterprise level, social dialogue mechanisms are engaged on a case-by-case basis.

Mr Lor concluded his presentation by reiterating the stability in industrial relations that has emerged since the general labour strike of early 2014. The introduction of new legislation, regulations, practices and especially the structured process for minimum wage fixing has made the difference. The social dialogue mechanism at the national level generally works well, while improvements at the industry level are essential. Trust between parties is growing, but there are challenges to address; there is also room for employers and trade unions to collaborate better. The level of collective bargaining has

been low, at 5 per cent or less. However, the new Trade Union Law has revolutionized the regime for collective bargaining agreements.

Cambodia lacks a central data management system, leaving room for improvement in identifying gaps and better informing policy measures. Illegal strikes continue to impair the industrial relations environment and productivity. From the trade union side, union discrimination still exists, and the use of short-term contracts affects the employment stability of employees. Trade union registration, the termination of contracts and the minimum wage remain important issues to recognize and discuss.

Plenary discussion

- A representative from Singapore asked what is the problem with having many trade unions in an enterprise and how multiple collective agreements are handled if an enterprise in Cambodia has five trade unions on average. Mr Lor responded that the garment and footwear industries have multiple trade unions, and coping with that situation requires patience. Some factories have closed because of this problem. As for the collective bargaining agreements, he reserved his opinion until the implementation of the new law.
- Mr Ritchotte remarked that the figure of 3,500 unions represents the cumulative number of unions registered since 1998 and that it does not necessarily reflect the number of active unions as of September 2016. As for the comprehensiveness of a collective bargaining agreement, the ILO does not judge it. More than 500 such agreements are registered with the Ministry of Labour and Vocational Training. If any conciliated agreement has the status of a collective bargaining agreement, it is treated as such for statistical purposes. It is difficult to know what percentage of that figure are conciliated agreements and how many are more comprehensive negotiated agreements. The ILO definition makes it difficult to distinguish between conciliated agreements and comprehensive negotiated agreements.
- Mr Ahn commented that in promoting social dialogue at the enterprise level, there are three major elements that might undermine a social dialogue mechanism: the fixed-term employment contract, the collective bargaining agreement of the shop stewardship at the enterprise level and most representative status, which in the past requires 51 per cent membership in the trade union. He asked how Cambodia would get countrywide support to review these three elements to make them more realistic and also promote social dialogue at the enterprise level (in the labour law reform process). Mr Lor responded that the new Trade Union Law allows shop stewards the right to negotiate collective bargaining. As for collective bargaining agreements, the membership threshold for trade unions to obtain the most representative status has been reduced to a minimum of 30 per cent, which establishes a foundation for the improvement of social dialogue. On fixed-term contract issues, there have been cases of labour disputes and strikes that are related to the interpretation of what a fixed-term contract is. If there are policy solutions to that, Cambodia is willing to participate.

3.9 Experiences from Myanmar

Presenter: Soe Win, Director, Department of Labour, Ministry of Labour, Immigration and Population, accompanied by Thet Naing Oo, Deputy Chief Executive Officer, Employer Services Department, Union of Myanmar Federation of Chambers of Commerce and Industry

Mr Win started his presentation with general information on Myanmar's labour market. The country has a population of 51.5 million people (24.8 million males and 26.7 million females). According to the 2014 Myanmar Population and Housing Census, of the 33.9 million people of working age, females constituted 34 per cent and males 46 per cent. There are around 22 million workers, or 64.7 per cent of the population, in the labour force. As of 2015, there were 175,672 shops, factories and establishments. According to the latest Myanmar Labour Force, Child Labour and School-to-Work Transition Survey, there were 21.8 million employed persons in 2015, of which 51.7 per cent were working in the agriculture sector, 16.8 per cent in the industrial sector and 31.5 per cent in the services sector.

In describing the laws governing labour dispute settlement, Mr Win cited the Settlement of Labour Disputes Law, the Labour Organization Law, the Employment and Skill Development Law, the Minimum Wage Law, the Factories Act, the Shops and Establishment Law, the Leave and Holidays Act and the Social Security Law. Among them, the Settlement of Labour Dispute Law is the basic legal framework for settling individual labour disputes. That law defines an individual dispute in section 2(n). For conciliation of disputes, Myanmar relies on the Workplace Coordinating Committee, the Conciliation Body, the Dispute Settlement Arbitration Body and the Disputes Settlement Arbitration Council. It is also based on the legal framework for the settlement of collective labour disputes.

The role of social partners is important for sound industrial relations at the enterprise level. Among the employers' organizations, the Union of Myanmar Federation of Chambers of Commerce and Industry (UMFCCI) is the largest. There are 28 basic employers' organizations, one township employers' organization and one seamen's federation. The central body of employers' organizations needs to be restructured, Mr Win noted, so that the employers' representatives can negotiate or bargain with the labour organizations for workers. Mr Win said that the Ministry of Labour, Immigration and Population suggested that the UMFCCI should encompass township as well as region and state employers' organizations. The Employers' Organization Department was established in the UMFCCI in collaboration with the ILO in March 2016. The responsibilities of the Department include: (i) labour law advisory services; (ii) learning centre and training services; (iii) advisory service for dispute settlement; and (iv) policy advisory with the Government.

As for the role of social partners, Mr Win noted that the involvement of workers' organizations is similar to that of employers' organizations. According to the Labour Organization Law, the country has 2,130 basic labour organizations, 122 township labour organizations, 15 region or state labour organizations, eight labour federations and one labour confederation (for a total of 2,289 workers' organizations).

Talking about the role and function of collective bargaining in industrial relations, Mr Win stressed that collective bargaining agreements are important and recognized in legislation. The Settlement of Labour Dispute Law defines collective bargaining in section 2(k). Section 21 of the Labour Organization Law also provides for workers' right to collective bargaining. The current progress of collective bargaining and collective bargaining agreements are reflected in the number of cases in 2015 (at 143 cases) and 2016 (at 29 cases) that were settled under and even beyond the laws. According to the laws, collective bargaining takes place only at the enterprise level because the relevant trade unions are not fully developed and workers' representatives still need to build their capacity at the representation level.

The major issue concerning collective bargaining is misunderstandings between workers' organizations and employers. Mr Win highlighted specific dispute settlement cases from 2015 and 2016 and explained the causes, including compensation for dismissal, for reduced working hours and closure of factories. He also noted that the current status of settlement of collective dispute cases from 2015 and 2016 and explained their causes. Mr Win remarked that there has been no strike in the past two years. Most workers exercise peaceful assembly as per the Peaceful Assembly and Peaceful Procession Law, which is enforced by the Ministry of Home Affairs. However, some demonstrations have not been in line with either law. The Settlement of Labour Dispute Law does not clarify who should decide the legality of a trial. Most of the strikes or demonstrations are from the contract manufacturing product industry.

Mr Win elaborated on the main cause of collective disputes as the demand to raise workers' wages and incentives. Most workers do not go to the judicial court because they prefer collective dispute rather than an individual case. The township conciliation body resolves cases in a region or state when a dispute arises. Highlighting the main causes of individual disputes, Mr Win said that dismissal, overtime notice, overtime pay, leave and holiday and some employment conditions in an employment contract or collective agreement are common. It takes 45 days to two months typically for a dispute to be resolved upon the filing of a case. It can take up to three months to settle some cases. Mr Win explained Myanmar's laws and regulations on minimum wage. There is no standard wage for the private sector that is disaggregated by industry. Mr Win also highlighted the situation of employment contracts. The Employment and Skill Development Law, 2013 has provisions on the legal framework for employment contracts in Article 5, which is, "If the employer has appointed the employee to work for an employment, the employment agreement should be made within 30 days." In accordance with the Employment and Skill Development Law, a notification was issued on 31 August 2015 that stated that the employment contract shall include specific items to establish fair work practice and sound working conditions.

The Ministry of Labour, Immigration and Population aims to utilize returning overseas migrant workers' skills, techniques and experiences acquired from working abroad. Towards the end of 2016, the Ministry will systematically send workers to Thailand, Singapore, Malaysia, the Republic of Korea and Japan through 253 registered overseas employment agencies, including one government agency, under the 1999 Overseas Employment Law. The Department of Labour is revising the law relating to overseas employment to reflect the current situation. Myanmar signed MOUs with Thailand and

the Republic of Korea for dispatching workers. It has appointed labour attachés in Malaysia, the Republic of Korea and Thailand to protect the rights and privileges of Myanmar workers and also to deal with workers' disputes and problems.

The Ministry of Labour, Immigration and Population is trying to implement general protective measures for workers that are in line with the changes in the economic landscape. The focused areas are wages, maternity protection, gender equality, OSH and so on. Myanmar, like any other developing country, has problems and challenges with its industrial relations. There are some cases in which employers or workers do not obey the decision of the Arbitration Council. It may be due in part to shortcomings of the Labour Dispute Law; there are ongoing efforts to amend the law to strengthen its enforcement. Most cases are reinstatement cases, noncompliance or delays to implement the bilateral agreement. And most of the disputes are from Yangon Region.

Mr Win concluded his presentation by emphasizing the importance of social voice and dialogue to create a sound employment atmosphere, decent jobs and good governance through collective bargaining. In every country, industrial relations and trade dispute settlement mechanisms, which are critical labour practices, are needed to maintain industrial peace and sound governance to provide a good atmosphere for productivity and to examine thoroughly the ways to improve employment security for all. At the same time, it is clear that a government should emphasize the development and implementation of policies to ensure that all people have adequate social rights and economic and social protection.

Plenary discussion

- Mr Matsui asked why workers and employers did not want to follow the arbitration that took place and if a revision of the Labour Dispute Law is planned to fix its shortcomings. Mr Win responded that disobeying employers and workers is now punishable. As an employer member of the Central Labour Relations Commission in Japan, Mr Matsui cast doubt on the effectiveness of punishment, emphasizing the importance of persistence and patience in trying to solve labour disputes to achieve smooth and harmonious relations through dialogue.

3.10 Experiences from the Philippines

Presenter: Benjo Santos Benavidez, Director IV, Bureau of Labor Relations, Department of Labor and Employment, accompanied by Lucila Tarriela, Assistant Treasurer, Employers Confederation of the Philippines, Willy Pulia, President, Alliance of Filipino Workers, and Jomel General, National Vice-President, Federation of Free Workers

Mr Benavidez opened his presentation with an introduction to the Philippines. The country is an archipelago near to Indonesia and home to around 104 million people, of which nearly 65 million are of working age. The labour force consists of nearly 41.3 million people, of which 38.7 million (93.9 per cent) are employed and 2.6 million (6.2 per cent) are unemployed. The underemployment rate is 18.4 per cent, or nearly 7.2 million people. Nearly 23.6 million Filipino workers are not in the labour force. The fundamental laws, the 1987 Constitution and statutory mandates guarantee Filipino

workers the right to labour standards, security of tenure, self-organization and collective bargaining regardless of designation or position. The country's labour standards, reported Mr Benavidez, relate to wages and wage-related benefits, overtime pay, leave days, etc. In addition to the Constitution, the Labour Code of 1975 ensures security of tenure in its provision on the rights of workers against indiscriminate dismissal or dismissal without justice and authorized cause. The rights of workers to join a labour organization and to engage in collective bargaining refers to the freedom of workers as well as employers to form, join or assist labour organizations or any other aggregation of their choosing. The Philippines is a signatory to Convention No. 87 and Convention No. 98.

The Department of Labor and Employment registers labour organizations. According to its cumulative statistics, the Philippines has 17,066 registered enterprise-based unions (in the private sector), 1.4 million trade union members at the enterprise level and 1,866 registered workers' associations constituting 526,229 members in the public sector. There has been an increase in the number of union memberships in the private sector, while the union density rate has been declining, attributed to an increase in the number of new entrants to the labour force. From 2006 to 2015, the public sector unionization rate was at its highest in 2014, at 17 per cent, while the lowest rate was recorded in 2010, at 12.8 per cent. Union membership has increased by 50 per cent, from 351,895 in 2006 to 526,229 in 2015. The increase in the number of union members, however, has not translated into an increase in union density. Workers have the freedom to join or not to join a labour organization. The role of the Government is only to provide an enabling environment for workers' and employers' organizations to form.

As of the end of 2015, a total of 1,149 collective bargaining agreements had been registered, covering only 200,476 workers, which constituted only 10 per cent of the labour force. Government rules allow for enterprise-based bargaining and multi-employer bargaining.

Enterprise-based bargaining is a collective bargaining agreement entered into by a sole and exclusive bargaining agent for a particular enterprise. Multi-employer bargaining is the bargaining of a group of employers with a group of exclusive sole bargaining agents. Although the Philippines allows multi-employer bargaining, such an agreement has yet to transpire or be registered. Because the collective bargaining agreement coverage rate is low, the Government engaged ILO technical assistance in 2015 to explore developing the legal framework for industry bargaining. The Government is currently consulting with sectors to engage in bargaining per industry; meanwhile, some rules and labour laws need amending. In 2008, the process of registration was eased. In 2015, the process for determining the sole and exclusive bargaining agent was also eased.

An unprecedented industrial peace has been maintained in the country for the past six years, keeping the number of strikes at fewer than ten in a given year (from eight in 2010 to five in 2015). The Philippines recognizes that disputes must be first settled and conciliated. The right to strike is a potent tool for workers, but it should only be exercised as a last resort. If disputes can be conciliated or resolved in some other way, then the Department of Labor and Employment, together with sector stakeholders, must discuss and agree on a win-win solution to every labour dispute. That is why, in 2010, the Philippines institutionalized a programme known as the single-entry approach. This

programme mandates a 30-day conciliation and mediation “services” on practically all labour cases. Relevant stakeholders, including workers and employers, come to the programme office for guidance on settling their differences. This has helped parties to come up with a settlement agreement or compromise. Based on 2015 data, 90 per cent of the requests for assistance filed by workers and a few from employers were disposed. The remaining 10 per cent of requests were referred to an appropriate agency, either for arbitration or litigation in an appropriate court or labour court. Of the disposed requests for assistance, 61 per cent of cases were settled, which means that the Government convinced the parties to find a compromise agreement. This is why disputes are no longer litigated; it is understood that litigation costs workers and employers considerable time and money.

In reference to recent developments in industrial relations, Mr Benavidez said that inclusive and broad-based tripartism and social dialogue through the open and transparent participation of workers and employers in policy- and decision-making processes is evident. The National Tripartite Industrial Peace Council and its Industry Tripartite Council, as well as local councils, include employers and labour organizations, irrespective of their political ideology. The National Tripartite Industrial Peace Council’s membership includes groups across the political spectrum, left to right, thus providing a forum for them to participate in policy- and decision-making.

Tripartism in the Philippines entails nine National Industry Tripartite Councils: automotive, construction, banking, clothing and textile, hotel and restaurant, sugar, maritime, land based and the private security industries. The Council was created to provide workers and employers a mechanism for social dialogue, to discuss differences and to settle arguments. As a result of this social dialogue and tripartism practice, legislative measures have evolved. Support from the respective sector as well as the labour and employers’ organizations was sought for implementing the legislative measures.

In the Philippines, there are three branches of government: (i) the executive, which executes laws; (ii) congress, which legislates; and (iii) the judiciary, which interprets the laws. Recognizing that legislation takes a while, the Government requests sectors to support its legislative priorities. In that way, it can facilitate or fast-track legislation or approval of legislative measures up to the office of the president. The Government is planning to review its 40-year-old Labor Code to strengthen workers’ right to security of tenure and to lay new foundations for collective bargaining and self-organization.

At the same time, Mr Benavidez added, employers must be provided with enough flexibility and enough room to compete in the international arena.

In its review of the Labor Code, the Government is being mindful of the need for business-friendly enterprises that will create decent work for Filipinos. The Philippines wants foreign investors to help strengthen its economy and create enterprises that create decent jobs. The country has a new enforcement framework and a labour law compliance system, boosted with ILO technical assistance in the form of capacity building of labour law compliance officers and inspectors. Through a management information system that provides real-time data on the results of inspections, joint assessments are conducted.

With this system, the Philippines adapts regulatory and developmental approaches to ensure compliance with labour standards.

Because the economy largely (98 per cent) consists of micro, small and medium-sized enterprises, the Government provides technical assistance to help them comply with the law. This assistance is a “tool box” of services through the Department of Labor and Employment that enterprises can tap into for free. The Department has only 572 labour law compliance officers responsible for 90,000 establishments. There is a call from the labour sector for them to be deputized as labour inspectors. This is being considered, especially because the capacity of trade unions must be built up and authority be provided to them to exercise the core function of the Government in terms of enforcement of the labour laws, rules and regulations. The Philippines also promotes industry sub-regulation through a voluntary code of good practices.

Members of the Industry Tripartite Councils are encouraged to develop their own voluntary code of good practices. These voluntary codes ask that members commit to comply with the labour laws, rules and regulations and to replicate or follow good practices of other enterprises. It is crucial that businesses and workers are equipped to govern themselves. The Government intervenes only when necessary, hence industry self-regulation is promoted. One of the various measures of self-regulating is the creation of labour management councils or committees. In 2015, 2,623 enterprises had a labour management council; 2,400 of those enterprises were never involved in the filing of a notice of a strike, lockout, preventive mediation case or a voluntary arbitration case.

The Department of Labor and Employment believes that knowledge is power. Information serves to empower workers and employers in maintaining industrial peace. To inform jobseekers, the Department produced a short video clip on workers’ rights and its programmes and services. The video is available on YouTube, Facebook and the Department’s website. The Philippines can share its good practices in labour and employment education services.

Citing the results of a study on labour disputes, Mr Benavidez noted that labour disputes typically relate to non-compliance, and non-compliance arises because many workers and employers in SMEs do not know the labour laws, rules and regulations. Thus, information on existing laws and practices in industrial relations can help them maintain industrial peace. The Philippines has a mature social dialogue and tripartism mechanism in place and is a signatory to Convention No. 144. Long ago, workers and employers were typically hostile to one another, but today they sit together, share common concerns, discuss and solve problems amicably. After showing a short sample video clip, Mr Benavidez emphasized the importance of education to workers on labour rights and compliance with labour laws, rules and regulations. The Government, he concluded, is willing to provide assistance and guidance to achieve sound industrial relations in the country.

Plenary discussion

- A representative asked if Filipinos working outside the country participate in its national social security scheme; if so, he wondered how they are managed. He also asked how the minimum wage scheme is determined and how the system works. Mr

Benavidez responded that overseas Filipino workers are covered by the mandatory laws on social security coverage and, in addition, they are provided with mandatory insurance coverage in their contract. They are also covered by welfare programmes of the Overseas Welfare Office, which provide assistance in case of emergencies, accidents or illness. Overseas Filipino workers enjoy social security benefits, but once they no longer have an employment contract or have emigrated, that coverage ceases. Approximately 10 million Filipino emigrants live throughout the world, of which only 4 million are considered as overseas workers. As for the minimum wage, each Regional Tripartite Industrial Wage and Productivity Board fixes the minimum wage for its respective area. The national capital region has the highest minimum wage rate, at 491 Philippine pesos (PHP) per day, while the lowest is PHP250 per day. The determination of the wage is based on the cost of living in each region or province. The Secretary of Labor appoints the board members.

- A representative from Malaysia asked if there is any board to look after the interests and protect the welfare of professionals and managers and if there is any problem for this group. Mr Benavidez responded that regardless of profession or position, all workers are covered by the Labor Code. This entitlement gives them the right to labour standards, security of tenure, sub-organization and collective bargaining. The Government does not discriminate against professionals. They enjoy the same rights to which a lower-ranking employee is entitled to as provided under the Labour Code. There are no new laws because the existing law already provides these rights to professionals and managers. The right to sub-organization provides the right to join and/or form a union or organization not only for collective bargaining but also for mutual aid and protection. There are 17,000 labour organizations and trade unions and 30 or more workers' associations consisting of farmers, vendors and fisher folk. These workers' associations are recognized and thus entitled the right under the law to organize for mutual aid and protection. Some laws protect these workers regardless of their employment status or if they have no employer. They can organize and ask the Government for recognition.
- Mr Uemura asked for details of the voluntary code of good practices and who established it. Mr Benavidez responded that sector-based stakeholders each form their own voluntary code of good practice; it is particularly found in the automotive, maritime, clothing and textiles and hotel industries. Mr Uemura also asked if the Government budget covers the labour, employment and education services. Mr Benavidez responded that the Government has personnel who produce videos and provides a budget to train people to develop promotional materials.

3.11 Summary of day 1

Mr Ritchotte presented his summary of the day by highlighting the purpose of bringing together the industrial relations policy-makers and practitioners from the ASEAN countries. By clarifying questions and engaging in a discussion on the issues, interests and common challenges that countries are facing, policy-makers and stakeholders can probe more deeply into the national situation and disseminate lessons learned and good practices. The seminar has provided, thus far, a rich exchange of views. Productive information on labour and industry relations issues from across the region was presented and discussed. In the opening

session, following the remarks from the representatives of the ILO Office for Japan and the Government of Japan, information on enterprise-level social dialogue was presented by the ILO's experts on employers' and workers' activities. An overview of economic and labour development in ASEAN was also provided.

Mr Ritchotte maintained that positive change can be witnessed in ASEAN countries in regards to the industrial relations situation. The presentations from country representatives included innovative approaches, such as the practice of labour inspection in the Lao People's Democratic Republic, which encourages enterprise dialogue and improvement of compliance with labour legislation; the impressive scenario of industrial relations in Malaysia, with near total absence of strikes over the past 20 years; and the relative decline in labour disputes in recent years in Indonesia and changes to its minimum wage fixing system and the extensive use of tripartite and bipartite committees at the national, provincial and enterprise levels.

Taking the case of Viet Nam, Mr Ritchotte highlighted some important progress as well as remaining challenges. The success of the National Wage Council and future changes in the laws and policies that are underway and linked to the TPP agreement are important achievements. However, difficulties in insuring representativeness of parties in social dialogue, particularly at the enterprise level and in dealing with strikes and disputes, requires immediate attention. Turning to ongoing developments in Cambodia, Mr Ritchotte noted that the recent improvement to the minimum wage fixing system is well appreciated. However, Cambodia must also take into consideration the challenges of multiple unionism and important changes brought about by the introduction of the new Trade Union Law. In reference to the comprehensive presentation by the Philippine representative, Mr Ritchotte said it was interesting to hear that the country had adopted a new framework for industry-level collective bargaining. The single-entry approach for mediation of disputes, the important work of the Tripartite National Industrial Peace Councils, the nine sector-based peace councils and the importance of labour management cooperation in the prevention and resolution of disputes are particularly impressive.

Mr Akiyama concluded the session by highlighting three key points: (i) each presentation included good practices and challenges thus it should be referred to in each ASEAN Member State to improve industrial relations; (ii) there is a common recognition of sound industrial relations and social dialogue as a basis for good economic and social development, and he believes that social dialogue is a foundation of all the labour and employment policies; and (iii) each ASEAN country needs to find a better way to its own situation since there is no perfect model of industrial relations that fits all the counties, thus ILO technical assistance needs to be tailored to each country.

4. Special session: Knowledge sharing and lessons learned from the Employment and Labour Measures for Recovery from the Great East Japan Earthquake as International Public Resources Project

Presenters: Shukuko Koyama, consultant, ILO, and Sho Sudo, Deputy Director, International Affairs Divisions, Minister's Secretariat, Ministry of Health, Labour and Welfare of Japan

Ms Koyama explained the research project commissioned by the ILO/Japan Social Safety Net Fund in 2013 on Employment and Labour Measures for Recovery from the Great East Japan Earthquake as International Public Resources. Her presentation focused on the lessons learned from the recovery process, particularly in the fields of employment and labour. After explaining the direct damages that the earthquake and tsunami had in the affected region, she elaborated on the impacts of the natural disaster on employment. She pointed out that 840,000 jobs had been affected across the country and the 210,000 people had left their jobs, of which more than 40 per cent had been working in the most directly damaged prefectures, including Iwate, Miyagi and Fukushima. Looking at sectors affected by the disasters, Ms Koyama noted that fisheries (at more than 75 per cent), entertainment, manufacturing, hotels and restaurants and transportation were severely affected. Shifting to the size of enterprises affected, she reported that the disaster had also caused damage to large-scale companies, although the areas where the tsunami had most severely affected had been seacoast, where not a large number of large-scale enterprises operated. The level of impact on employment had increased with the size of the enterprise, and enterprises with more than 1,000 employees had accounted for 11.5 per cent of the total affected enterprises.

Ms Koyama summarized the recovery efforts by the Government. In detailing the ex-ante, or pre-disaster, measures, she pointed out that the country had measures in place prior to the disaster, such as the Employment Insurance System and the Employment Adjustment Subsidy Programme (which were initially designed after the 2008 global financial and economic crises), the existing social protection system functioned well as a safety net for disaster-affected people. It had also contributed to protecting jobs. These existing measures were flexibly utilized, with eligibility requirements relaxed and the duration of insurance coverage extended. Moving on with the profile of disaster victims, Ms Koyama pointed out that more than half of the beneficiaries of the Employment Insurance System were women. Focus group interviews confirmed that women had more difficulty finding new employment or going back to their previous job.

Regarding the ex-post measures, Ms Koyama noted that Japan had implemented a nationwide post-disaster measure called Japan as One work project. She highlighted three interesting characteristics: First, speedy implementation, whereby within less than one month the Government had documents of this project to be implemented and the project started on 5 April 2011. Second, establishment of an interministerial framework through which the Ministry of Health, Labour and Welfare took the lead in interministerial committees, included other ministries (such as the Ministry of Commerce and the Ministry of Agriculture, Forestry and Fisheries) and Cabinet Office-coordinated interventions, and implemented a phased approach. The third-phase intervention allowed the Government to modify its recovery policy in accordance with the differences in needs as per the recovery stages of community members, the private sector and local governments.

Elaborating the process of the three-phase approach, Ms Koyama noted that the first phase consisted of comprehensive emergency measures. This first scheme concentrated on creating steady jobs through reconstruction projects, thereby prioritizing the recruitment of local workers. Assistance through an emergency job in the form of “cash for work” was provided. The second scheme included setting up a system to match disaster survivors with jobs. The third component was to maintain and secure employment for disaster survivors. The existing social safety network functioned well in this regard. Many SMEs did not have financial

resources or enough assets to retain their employees. To address this situation, the Government provided an employment adjustment subsidy, eased requirements and extended the duration of insurance coverage. That was one of the most effective post-disaster measures for SMEs, Ms Koyama said.

The second phase focused on creating and maintaining stable jobs for longer term rather than the temporary, short-term emergency employment (which was the focus of the first phase). In the second phase, many people faced difficulties in sustaining their livelihoods in their community, thereby deciding to leave their hometown and establish new lives outside. The Government had to adjust its policy for the disaster survivors to find new jobs in new places. It also extended the duration of the employment adjustment subsidies to support the survival of SMEs and individual workers, such as fishermen.

The third phase involved long-term solutions and plans for the future. It started six months after the disaster and shifted the focus on local industries that had more potential to create new employment. To help the participants understand the circumstances more accurately, Ms Koyama provided the social, economic and demographic background of the most affected region prior to the disaster. That region had struggled economically prior to the disaster due to its ageing population and lack of new industries. The main industries in the region were fisheries and agriculture, which did not attract the younger generation. The Government was aware of the situation and needed to create new industries to attract workers as well as recover from the disaster and create employment. The private sector was actively involved, thereby contributing to the recovery work of the Government.

Because Japan is a disaster-prone country, Japanese people have a tradition of helping disaster-affected people by volunteering their labour and time. This individual voluntarism started to shift to self-organizing to providing corporate social responsibility activities and creating social entrepreneurship activities. This was a new trend introduced by younger generations, typically people aged 20–30 years. Social businesses were designed and developed to deliver goods and services to address particular needs of disaster-affected communities and provide sustainable business models. One example is the Tohoku Roku Project in Miyagi, which promoted local enterprises by opening a noodle shop in the disaster-affected area and selling local products. Prior to the disaster, locals had difficulty finding the right market for their products because they were so cut off from the usual value chain systems and did not have connections with customers, who predominantly lived in cities. With help from the young entrepreneurs, particularly from the IT industry, the locals managed to start and run businesses online. Remarkably, 60 per cent of employees hired by the project were people with physical disabilities. Social attention was needed for people with disabilities because they were disproportionately affected by disasters; more than 60 per cent of all survivors were 65 years or older or with disabilities.

While the Government provided a profound amount of public money for the post-disaster efforts, the private sector and individuals also provided funds. The small-scale funds from the private sector were more convenient because the donations arrived quickly and were easy to manage. Through a social network, disaster survivors and volunteers were directly connected, which helped the community to articulate their needs and receive hands-on support. Through the online network, civil funds were also generated as micro-credit that was used to set up micro-entrepreneurs.

Some large-scale enterprises, such as Yahoo! Japan, set up business models – not through a corporate social responsibility activity budget but as a full-fledged business activity. Yahoo! Japan assisted companies and producers located in the disaster-affected areas by setting up online shopping services. The marketing services helped them expand their market by accessing customers on a nationwide scale. Yahoo! Japan established a branch office in Ishinomaki, one of the most severely affected cities, and its offices offered services to local companies and producers to set up online stores because IT literacy was low in the disaster-affected areas. The research team interviewed managers of Yahoo! Japan, who admitted that the potential of skilled workers in those areas and the office operating expenses were much less than in metropolitan areas. The project generated a spinoff business whereby 18 IT training schools were established in the region to encourage younger people to come back and work as teachers.

Ms Koyama stressed the invaluable role of the national programme officers in the recovery effort. Although the Government provided a large amount of financial support in terms of volume and types of assistance schemes, local people found the documentation work frustrating because they could not get the right information. The national programme officers assisted them to decipher government documents by matching people's needs and available appropriate support from the Government. The use of social networks, such as Facebook and Twitter, helped to connect aid providers with the right skills and aid seekers.

In regards to lessons learned from the recovery measures of the Great East Japan Earthquake, Ms Koyama emphasized the importance of building a responsive mechanism; within that mechanism, the Ministry of Health, Labour and Welfare was in charge of the employment strategy. This allowed the Ministry to champion a job-based recovery, with inputs from the intra-sector committee. Ms Koyama also drew attention to the importance of social safety mechanisms, such as the employment insurance scheme and employment adjustment subsidies, which were effective and useful to secure jobs for the disaster-affected workers. Developing a comprehensive social security system leads to building a disaster-resilient society. Ms Koyama stressed that disaster-response programmes must contextualize employment and labour issues in their social safety development efforts in the disaster risk reduction system.

Ms Koyama also noted the importance of designing a response strategy that is inclusive of data collection on damage, economic structures and demographic trends. The data collected must quickly be analysed and disaggregated by sex and profile, especially because people with disabilities and their issues are prone to being neglected. Data collection is important, she said, but during a mega disaster in which labour institutions and infrastructure are physically damaged, the process becomes difficult, and thus the need of a business-continuity plan is more important than ever.

Ms Koyama added that the distance between workplaces and shelters is an equally important issue in post-disaster measures. On the importance of quick information dissemination for policy direction, she stressed that the overall framework and measures by the government in rebuilding businesses entails the choice of closing or restarting the businesses. Although the focus on recovery of directly affected areas is primal, the research found that early recovery of business operations in key industries in neighbouring but not severely affected areas could

also become a driving force for recovering the local economy. She provided the example of Thai companies and the support they received in their value chain in tsunami-affected areas.

A final but important lesson learned is the importance of having a business-continuity plan for quick recovery. The research found that companies with a business-continuity plan prior to the earthquake had recovered much faster than those without any plan. Ms Koyama concluded her remarks by expressing the importance of trainings for SMEs on developing a business-continuity plan.

Mr Sudo provided details on recovery actions, measures and policies taken by the Government after an earthquake and tsunami struck north-eastern Japan. When a huge natural disaster of this scale hits land, social infrastructure and communities can be unprecedentedly devastated. He itemized major examples of actions for which the Government had to pay immediate attention: (i) support for re-creation of jobs and employment; (ii) vocational training to engage new types of jobs; (iii) aid for loss of jobs (unemployment benefits); (iv) special support for vulnerable workers and people; (v) prevention of accidents in the recovery work; and (vi) workers' accident compensation benefits to survivors. He highlighted the importance of mid- and long-term measures to cover a range of issues as well as short-term urgent immediate measures.

Mr Sudo pointed out that special attention is needed for people with disabilities, senior citizens and widows. The first action taken by the Government after the disaster was providing a subsidy for the employment programme; the second was flexible application of unemployment benefits. After the disaster, workers, especially fishermen and farmers, faced a drastic change in their living environment and devastation in terms of employment. They were forced to find a new job that was totally different from their previous experience. Vocational training and special support to affected groups were deemed indispensable. The special support the Government provided included a waiver of the premium on employment insurance and workers' accident compensation insurance. In reference to the recovery of civil work, such as the demolition of partially damaged houses and clearing debris for the reconstruction of infrastructure, the Ministry of Labour, Health and Welfare paid special attention to prevent work-related accidents and diseases. As an example, he highlighted the preventive measures taken for airborne asbestos that was a cause of mesothelioma.

Mr Sudo expressed the need for attention to public workers who work as usual even in a disastrous situation, giving orders and prioritizing recovery work. To save them from total exhaustion, dispatched officials from other regions could be a useful solution. He concluded by emphasizing the importance of government preparedness and accountability for disasters.

Plenary discussion

- A representative from Brunei Darussalam asked how ASEAN member countries can effectively manage the aid coming from other parts of the world to ensure that disaster survivors receive it on time and that it is appropriated properly to avoid graft and corruption while exercising due diligence in ensuring that the survivors get back up on their feet. Ms Koyama responded that it was indeed a challenge to make sure the assistance reaches the right people. Lack of or weak participation of workers or the committee members in the process of policy design (usually done by the National Policy for Disaster Risk Reduction) could be why funds do not reach where they are needed. Her

focus group interviews with relevant stakeholders found that workers' organizations were not involved in the process. The ILO Office for Japan offered assistance to workers' organizations to lobby for the participation of workers' organizations so that, at the least, their feedback and inputs were considered in addition to that of multinational companies and humanitarian agencies. The ILO Country Office for the Philippines also consolidated workers' inputs in the policy-making process during Typhoon Yolanda. One of the criticisms received in Manila after Typhoon Yolanda was that not only the national Government but the humanitarian agencies brought a large amount of assistance but they focused on short-term emergency assistance, which did not really contribute to the revitalization of local communities, livelihoods and businesses. Mr Sudo added that once a disaster occurs, a government struggles with day-to-day strategies for recovery work and prioritizes change on a day-to-day basis. The importance of employment measures or labour measures has been emphasized in ASEAN countries, and labour ministries are aware of it. It is important to promote this issue in awareness raising on findings and good practices in post-disaster recovery work.

- A representative from Brunei Darussalam asked if Japan had received aid from other countries and what was the system of accountability along the chain of command to ensure that the distribution went to the rightful beneficiaries. Mr Sudo responded that it was always a difficult issue, for example, even receiving medical doctors may sometimes infringe the law. Donations in cash, in-kind or goods must be lawful. The Government is in the process of making these measures flexible in such situations.
- A representative asked about the process of implementing the employment adjustment subsidy programme and unemployment benefits programme and how it helped the affected people who had lost their jobs. Mr Sudo responded that the Government had set up a system for the subsidy payment. And such a measure was taken quickly, though it needed adjustment as time went by. Accountability was institutionally made and encouraged in every step.
- Mr Matsui added to Mr Sudo's response, explaining that much work was required in a short time period. The cabinet office did not work at the time of the tsunami because they concentrated on how to deal with Fukushima nuclear plant. That is why organizations, like the Japan Business Federation, had been consulted by many other country representatives' offices, such as the European Union, the American Embassy and other countries. The Japan Business Federation assisted disaster survivors in the most affected areas by using its network and prioritized immediate actions, such as providing food and water. Roads were blocked completely, but through the network members, they were able to reach and use local transportation to carry goods to the disaster-affected areas. Information on the existing situation was collected through transportation companies. Contributions of food and water were sought from the network members. Thus, the first food aid reached the affected areas through the Japan Business Federation. This underscores that after a big earthquake, tsunami or any other disaster, the government or municipality authorities are often busy. Preparedness is extremely important on the government's side as well as the private sector. Good relations must be established with the private sector.

5. Japanese experiences sharing and good practices

Japanese Trade Union Confederation (RENGO)

Presenter: Hideyuki Hirakawa, Director, International Department, Japanese Trade Union Confederation

Mr Hirakawa started his presentation by explaining the background and trends of the Japanese trade union movement, highlighting the number of labour union members and unionization rates. He also explained the three-tiered labour union structure in Japan, which has company-based unions at the bottom, the national centre on top and industrial unions in between, thus covering all regions throughout Japan. Mr Hirakawa characterized the labour management relations in Japan on confrontation and cooperation matters from the perspective of unions. In regards to cooperation, he noted the importance of sharing the same goal between workers, their union and management for the stability of employment and improvement of workers' livelihoods. He listed three guidelines to share goals: (i) maintenance and expansion of employment; (ii) labour management consultation and cooperation; and (iii) fair distribution of productivity gains to enterprises, workers and consumers. He emphasized the importance of labour management consultation, which is usually defined in the collective agreement of an enterprise rather than in labour-related laws. The definitions include types of consultations, topics, participants and frequency, and consultation is systematically utilized. He also reminded that the essential role of a workers' union is to draw a clear line between cooperation and assimilation to protect workers' welfare.

Japan Business Federation (KEIDANREN)

Presenter: Hiroyuki Matsui, Senior Adviser, International Corporation Bureau, Japan Business Federation

Mr Matsui emphasized the importance of constant efforts by employers and workers through information sharing and common understanding to build mutual trust for resolving problems. He also noted that Japanese industry has a long history of building mutual trust. From the employers' point of view, he described the efforts in listening to workers' grievances and the education of workers as crucial in managing industrial relations in an enterprise.

Ministry of Health, Labour and Welfare of Japan

Presenter: Sho Sudo, Deputy Director, International Affairs Division, Minister's Secretariat, Ministry of Health, Labour and Welfare of Japan

Mr Sudo highlighted the work of the Labour Policy Council, which is a mechanism to decide labour-related issues that are determined on a tripartite basis. He noted the increase of non-regular workers, which had affected tripartism in Japan, and demographic change in the progression of an ageing society, which might affect unionization of workers and thus consequently affect tripartism. Mr Sudo explained the functions of the Civil Individual Labour Dispute Resolution System and expressed his hope to have a mechanism or system that automatically solved problems.

Plenary discussion

- A representative from Malaysia asked for details of the Labour Policy Council. Mr Sudo responded that it is composed of four parties: (i) workers' unions; (ii) employers' associations; (iii) specialists, such as a university professor; and (iv) the Government. Usually, difficulty in discussion arises between workers and employers on wage issues. After discussion, the parties in conflict reach consensus, and, often, a specialist works as arbitrator in the discussion.
- Mr Matsui added comments to Mr Sudo's response, reiterating the approach of tripartism in Japan. Japan has a tripartite council, with members from employers, workers and a public interest group nominated by the Government (the Ministry of Health, Labour and Welfare). When an issue is taken to the Labour Policy Council, employers always try to defend their interests, but the public interest group always supports workers, and behind them there is the Government. To convince workers and the public interest group to loosen labour legislation is difficult. Japanese government officials have made efforts to harmonize both sides' opinions.
- Mr Hirakawa also added comments to Mr Matsui's answer from the workers' viewpoint. If the labour ministry and a public interest group support the union side, it means the Japanese public supports labour unions. Thus, the labour union tries to help Japanese people understand the concerns of Japanese workers.
- One of the representatives from Malaysia responded that having a public interest group in tripartism is unique and a good idea.
- Mr Matsui further added that in the meetings of the Labour Policy Council, the people from public interest groups carefully listened to views and voices from both sides and passed on their judgements.

6. Group work and discussion

The participants were divided into three mixed groups (A, B and C), consisting of three representatives from employers' organizations; three from workers' organizations; and three from governments and two observers. Each group discussed the following themes and reported their observations, experiences and recommendations during the plenary.

1. What improvements should be made towards better industrial relations in the region?
2. How can enterprise level social dialogue be promoted for better industrial relations in the region?
3. What are the gaps between industrial relations practice and application of legislation in the region?

Group A

The representative from Brunei Darussalam delivered the presentation from Group A.

- In regards to the key elements for better industrial relations, the group noted that mutual trust and respect between management and the union are crucial. The group maintained that there should be open and ongoing communication, mutual understanding and good

faith between both parties; at that same time, equality and fairness should be promoted and upheld. Authority or the mandate of parties negotiating must be clearly defined. Ground rules needs to be set, understood and approved by everyone. It is crucial that consistency of the ground rules is maintained. By practising these elements, either party will not be confused because sometimes in negotiation, if a party cannot convince the other, the latter will be confused.

- The group looked into sound and robust human resources and industrial relations practices at the enterprise level. Substantial knowledge on industrial relations between management and the workforce and workers' organizations is very important in promoting industrial relations. There should be a legal framework agreed by both parties.
- As for the challenges in promoting better industrial relations, lack of knowledge of existing laws and regulations, especially if new laws or regulations are not introduced to employees and management properly, and partial compliance of laws and regulations or a collective bargaining agreement can be challenging. Sometimes lack of cooperation, understanding, communication or negotiating skills can pose a challenge. In negotiation, both parties need proper skills and ample knowledge of the subject matter to understand the level of discussion and to be heard at the same level.
- The group noted that lack of documentation during meetings between management and the union also created problems. This can be solved by institutionalizing a system of minutes for meetings that are signed by both parties so that they have a reference point for the next meeting. This minute-taking must be complied by both parties. The presence of lawyers during meetings can also pose a challenge. Sometimes, their presence can be influential and produce different outcomes.
- Group A discussed the main elements for effective enterprise-level social dialogue. They noted that formation of bilateral committees is essential, and there is need for consistent, monthly scheduled meetings that are agreed by both parties. There is also a need to promote harmonious relationships between parties. Support from the government or ministries in the form of monthly educational services or dialogues with stakeholders on new policies is important for both workers and management. Also, a platform to raise concerns needs to be established to discuss labour laws and any case of non-compliance to promote tripartite dialogue. Social dialogue should be a part of the human resources policy that is monitored by the chief executive officer or human resources director.
- A simple and effective grievance procedure that is easy, prompt, direct and short needs to be implemented to solve grievance cases.
- Because of the challenges in promoting enterprise-level social dialogue, there is lack of enforcement of labour laws and lack of employers' or unions' knowledge on regulations or industrial relations practices, which need to be enhanced. Lack of regular consultation and dialogue and a preconceived notion and negative image of trade unionism is not helpful for effective communication. Lack of cooperation among parties may stem from lack of understanding, communication, knowledge and/or negotiation skills.

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- Group A noted that institutionalization of joint consultative committees is an effective and desirable way of promoting enterprise-based social dialogue. In the majority of enterprises in the ASEAN region, it can be the most effective way.
 - To narrow or close the gap between industrial relations practice and application of legislation, government support can help. Acceptance of the legal framework and its policies by all relevant parties is paramount. The financial situation of the country is also a factor that widens the gap. Each country has different level of resources and political-economic situations. Enforcement of labour laws and endorsement and respect by all parties is desirable to narrow the gap.
 - The geographical landscape or distance can be a challenge for countries, such as the Philippines and Indonesia, which are composed of islands. Labour enforcement agencies may not have ample time to deal with grievances and problems in far-flung areas. Infrastructure, such as roads and bridges, may also contribute to reducing the gap in terms of implementation of such legislation.
 - Promotional efforts in tripartism include creating awareness and interest among workers. Administrative and judicial delays and slow action contributes to creating such gaps in terms of practice and application of legislation in industrial relations.

Group B

The representative from Singapore delivered the presentation from Group B.

- From the discussion on what improvements should be made towards better industrial relations in the region, Group B found communication to be the key element. Good communication is essential for building mutual trust among parties and is the foundation for dialogue. Communication should be intense and frequent between parties to understand each other's concerns. A mechanism to set common goal should be established.
- The Philippines, for example, has provisions to establish a Labor Management Council in its legislation to provide a platform for joint discussion among the tripartite partners. It can be formal or informal, but the point is transparency. Transparency makes relevant information well known for both parties, which will help in collective bargaining and negotiation. With relevant information, decision-making will be of higher quality. All the relevant parties can be involved in decision-making because of transparency. Thus, there are relevant inputs, concerns are heard and a decision is made with greater buy-in from all parties.
- It is important for the government to take a neutral role. The government should stand firm and support industrial relations between employers and workers and promote tripartism so that employers and unions work together and view the government as neutral. They thus will be more receptive to recommendations and policies. It is also important to establish a strong, independent, democratic mechanism to support and facilitate social dialogue. Labour laws should be reformed to accommodate the changes in industrial relations.

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- The group proposed that national standards be aligned to the ILO standards. It is also important for workers' and employers' representatives to receive proper training and capacity building so that all parties have an in-depth understanding of the rules and regulations concerning labour laws through which they will be equipped to conduct collective bargaining and negotiation. It is also important to foster respect for negotiation, the right to collective bargaining and freedom of association. Management should not interfere with union affairs, and unions should be responsive and increase their membership density.
 - Employers also have to change their attitude and mindset. They should have good faith in bargaining. The challenge for better industrial relations and social dialogue is leadership from the tripartite partners. Partners must be able to take a lead and have the moral authority to carry out the negotiation and implement the agreement.
 - Lack of understanding from employers and workers on respective positions and concerns is a typical industrial relations problem. Consequently, the other systems and the other frameworks may not be ready to support effective industrial relations practices. In every country, there are different styles of government and the role of opposition and leadership priorities might contribute to resolving or deepening those challenges. Issues such as minimum wage, migrant workers and informal economy, which are excluded from the industrial relations framework of most countries, may pose challenges because they may not be suitably represented by a union in the normal collective bargaining process.
 - In regards to the elements of enterprise-level industrial relations, parties should be able to foster and find common goals and establish mutual interest for cooperation, upgrade their skills and share knowledge and innovations through continued dialogue that is supported by relevant legislation during both good and challenging times.
 - Parties should listen to one another and not just convey messages accurately and clearly. Dialogue should not be conducted only during a crisis but also during normal times. The contract status of employees and the growing numbers of informal employees, compared with regular employees, are ongoing challenges because they are outside the industrial relations framework.
 - In regards to the gaps between industrial relations practice and application of legislation in the region, Group B reckoned that gaps are still prevalent. For example, Indonesia has a wage council that is tripartite in nature. It commonly recommends a certain level of minimum wage, taking into consideration inflation or living expenses. However, due to regional considerations, the provincial governors have decided a different level of minimum wage. Likewise, in Thailand there was a similar situation in which a unanimous decision to increase the wage level was not possible due to a change in government leadership. The group also provided an example from Viet Nam, where Decree 60 is not fully adopted because the procedures are too complicated to follow. Cambodia also faces challenges in its social dialogue procedure. Myanmar has an issue in which they require 10 per cent of the population to be unionized before they can form a national federation. Their challenge is on how to establish a count to ensure that it is really 10 per cent. While reckoning these gaps, constructive efforts have been taken to review and reform the relevant legislation to bridge the gap.

Group C

A representative from Cambodia delivered the presentation from Group C.

- The group maintained that it is important to shift focus from dispute resolution to negotiation, consultation and discussion between employers and workers. This can be the starting point. The group noted that some elements for effective enterprise-level social dialogue include good faith and clear communication among the parties. It is important that the social dialogue structure at the enterprise level be able to integrate into the overall human resources strategy of the enterprise. This means that this strategy should be deemed as part of the overall package of employee training, promotion and incentive scheme as well as a social dialogue structure that is integrated and a good fit with the organizational and employees' growth. There should be a win-win element in the design of a social dialogue structure.
- Guidelines are necessary for the purpose of clarity and structure of social dialogue. The group emphasized that it is important for guidelines to be simple and practical in terms of problem solving at the enterprise, as well as easy implementation. National laws might provide guidance to employers and workers.
- On the importance of a collective bargaining agreement, Group C found that it should not be seen as a goal in itself but a tool to facilitate and support the implementation of an efficient social dialogue structure. In terms of the actors, the participants in the dialogue structure should have the right skills and the right authority to implement them.
- In implementing an effective social dialogue structure, lack of authority is a concern, especially for those in charge of human resource who are assigned to participate in, monitor or even lead the mechanism. Lack of authority creates inefficiency, which is not confined to the management but applicable to workers' representatives as well. The group discussed the importance of having trained representatives of workers. In some countries, however, unions are not exactly independent from employers. The lack of independence will cause this inefficiency and ineffectiveness in social dialogue structure at the enterprise level. To make this structure effective, representatives must exercise their authority and use their skills. The social dialogue structure at the enterprise level needs to be recurrent and systematic. It should not be a one-off activity.
- In regards to the impediments to effective social dialogue structure, the group found the issue of authority as well as the role of culture dominant impediments in ASEAN countries. It is important to appreciate and understand that each country has its own culture. However, sometimes this can hinder effective communication. For instance, in some ASEAN countries, employees feel reluctant to speak openly to their direct supervisor. They feel reserved and do not express themselves well. This reserved attitude is an issue. In the context of increased labour mobility in ASEAN, consideration to difference in culture is important. A representative from the Malaysian Employers' Federation provided an example that some workers may prioritize the idea of "strike first and talk later". This is a part of the culture that needs to be managed. How to manage that is going to be a challenge in the increasingly multicultural work environment.

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- On how to institutionalize the mechanism, a key point is that social dialogue should be considered as an overall part of a country's strategy to promote business and employment and not be treated as an isolated issue. Based on this notion, Group C discussed whether there should be a national law to require that or some softer level of regulation or laissez-faire.
 - Group C members were inclined towards a softer approach, like a national guideline that defines social dialogue, whereby parties participate and a structure is instituted to ensure effective social dialogue. These guidelines could be mandatory or voluntary. Whether or when to be mandatory or voluntary should be the choice of a country, depending on the type, scale of issues and the government's policy and priorities. A representative from Singapore raised the re-employment issue as an example for a mandatory guideline. For other issues, guidelines that adopt a softer approach could be a solution. There also should be space for enterprises to innovate themselves. A government's intervention could work, but no one size fits all. There has to be some room for innovation by the enterprise. The role of private sector agencies, such as a human resource consulting enterprise, could provide some of these services as well.

7. Summary and ways forward

Mr Ritchotte summed up the entire session after extending appreciation to the hosts, the Ministry of Health, Labour and Welfare of Japan, and the people in the Ministry and in the ILO/Japan Multi-bilateral Programme.

Through this highly engaging two-day workshop, Mr Ritchotte said, a great deal of information about different countries and their industrial relations situation was collected and shared. These updates, the reports and presentations will continue to serve as important reference material in the future. The two-day seminar has helped to answer questions and clarify concerns of constituents, particularly on how things are done in other ASEAN countries. Mr Ritchotte iterated that the collated information in the form of country reports should be shared and utilized for policy action and better workplace practice within ministries, union confederations and employers' organizations.

This has been the first meeting in more than two years. The previous meetings covered collective bargaining, dispute resolution, minimum wage fixing, the role of social dialogue in labour law reform processes and responses to the global financial crisis. The country reports presented in this seminar brought participants up to speed on the current state of affairs in various countries after a long break without a meeting and provided in-depth thematic detail for the next meeting for analyses and engagement on certain issues.

Looking forward, there are a number of issues that are continuously emerging. Important changes that are underway in Malaysia, Myanmar, the Philippines and Viet Nam, among others, will require close consultation among employers, workers and governments in order for the tripartite partners to respond effectively. Issues concerning industrial relations that can be discussed at the ASEAN level have been put forward; this regional seminar has provided the platform to the tripartite constituents for a rich exchange of experiences, good practices and lessons learned.

Mr Ritchotte noted that the reports from the three groups highlighted some of the key elements for better industrial relations, with some useful and detailed suggestions and recommendations for moving forward. The exchanges in the group work session provided an opportunity to engage deeply on the issues covering industrial relations and social dialogue at the enterprise level. The three reports highlighted the nuances yet provided detailed but subtle differences and similarities across the region. In conclusion, Mr Ritchotte congratulated the ILO team for organizing a successful seminar and thanked the participants for their hard work and active participation.

Afterword

With the purpose to collate examples and practices in ASEAN countries in industrial relations issues, the ILO and the ASEAN Secretariat co-organized this two-day seminar on 14 and 15 September 2016 in Chiba, Japan, comprising sessions on the system, need and importance of sound industrial relations practices and the elements required to achieve them.

During the seminar, tripartite constituents shared knowledge and information on the situation, practices, laws and regulations concerning industrial relations and various aspects of social dialogue, including the importance of industrial relations knowledge and communication of related information. Sessions also included a plenary in which participants discussed how better industrial relations can be developed and how social dialogue within enterprises can be strengthened. Following up on the context of industrial relations in ASEAN, country reports from member States were presented, and recent developments and future initiatives in regards to industrial relations and its ensuing issues were highlighted.

To gain deeper understanding on the issues surrounding industrial relations, tripartite representatives were mixed and separated into three groups. Group questions relating to the issues, challenges and way forward in promoting social dialogue and sound industrial relations practices were presented. By the end of the seminar, representatives from each group presented their version of mechanisms, systems and practices required to facilitate an improved system of industrial relations. ASEAN countries, these presentations indicated, still need to learn how to best secure sound industrial relations regimes. Through the support of knowledgeable and experienced industrial relations advisors and experts and clear communication on the elements, practices, issues and the ways forward, improved and well-managed industrial relations is possible. Seminar highlights:

- Regarding the role of actors for harmonious industrial relations, tripartism and social dialogue, a key point that emerged during the regional seminar is how crucial experts are in setting up a systematic mechanism to handle industrial relations concerns. An example from the Employers' Association of Indonesia was highlighted: Through its training centre, the Employers' Association works to strengthen industrial relations by sharing good practices in human resources, offering training and workshops on industrial relations issues and certifying industrial relations practitioners in cooperation with the University of Indonesia.

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- Another good example is Singapore's National Wages Council, which was mooted by Albert Winsemius, a World Bank economic advisor to Singapore in the early 1970s who helped set up the nation-state's industrialization programme. It was Winsemius' suggestion to tripartite social partners to formulate wage guidelines to achieve orderly wage increases in line with industrialization and economic growth.
 - During the group discussions, it emerged that promoting sound and robust human resources and industrial relations practices at the enterprise level entails substantial knowledge on industrial relations between management and the workforce. Challenges, such as lack of enforcement of labour laws and lack of employers' or unions' knowledge on regulations or industrial relations practices, hinders the promotion of enterprise-level social dialogue. In terms of the actors, participants in the dialogue structure should have the right skills and the right authority to implement the industrial relations system. Support from the government through monthly educational services or dialogues with all stakeholders on new policies is important for workers and even management. Social dialogue should be a part of the human resources policies monitored by the chief executive officer or human resources director. An example from the Department of Labor and Employment of the Philippines was cited, in which knowledge on industrial relations helped workers as well as employers be informed and empowered to transform them into better partners in maintaining industrial peace. An example from one of their studies was cited as well, whereby the cause of labour disputes was tied to non-compliance. Cases of non-compliance occur because many workers and employers in SMEs do not know the labour laws, rules and regulations. Thus, information and knowledge to both workers and employers on the legislative and policy aspects of industrial relations are important to maintain industrial peace.

The ASEAN stakeholders in the seminar noted the importance of dissemination of information at the workplace to understand and comply with the national laws and regulations related to industrial relations. Through the support of experts and advisors, countries can design and develop laws and regulations for setting up and managing a system of industrial relations that is beneficial to all.

Annex I. Workshop agenda

Seventh Tripartite Regional Seminar on Industrial Relations in the ASEAN Region on Current Situation of Industrial Relations in the ASEAN Region and Promoting Social Dialogue within Enterprises

Makuhari International Training Center, Chiba, Japan, 14–15 September 2016

Time	14 September 2016	15 September 2016
08.30–09.00	Registration	
09.00–09.30	Opening remarks Akiko Taguchi Director, ILO Office for Japan Tomoaki Katsuda Assistant Minister for International Affairs, Ministry of Health, Labour and Welfare, Japan	Group meeting for employers' and workers' groups
09.30–10.30	Session 1: Context setting - Current situation of industrial relations in ASEAN region - Social dialogue within enterprises Presentation by ILO specialists	Special session: Knowledge sharing and lessons learned from Employment and Labour Measures for Recovery from the Great East Japan Earthquake as International Public Resources Research Project Presentation by Shukuko Koyama, Consultant and Sho Sudo, Deputy Director, International Affairs Divisions Ministry of Health, Labour and Welfare
10.30–11.00	Plenary discussion	
11.00–12.30	Session 2: Sharing of current situation of industrial relations and social dialogue within enterprises in each ASEAN member State - Presentation by ASEAN Member States - Group A (Lao People's Democratic Republic, Malaysia, Thailand)	Session 3: Sharing of country experiences and good practices - Presentations by Japanese delegates
12.30–13.30	Lunch	Lunch
13.30–15.00	- Presentation by ASEAN Member States - Group B (Brunei Darussalam, Indonesia, Singapore, Viet Nam)	Session 4: Group work
15.00–15.30	Coffee/tea break	Coffee/tea break
15.30–17.00	- Presentation by ASEAN Member States - Group C (Cambodia, Myanmar, Philippines)	Session 5: Plenary discussion on the results of the group work
17.00–17.15	Summary of day 1 by John Ritchotte, Specialist on Labour Relations and Labour Administration	Session 6: Summary and conclusion by John Ritchotte, Specialist on Labour Relations and Labour Administration
18.00–19.30	Welcome reception	

Annex II. Participants

Seventh Tripartite Regional Seminar on Industrial Relations in the ASEAN Region on Current Situation of Industrial Relations in the ASEAN Region and Promoting Social Dialogue within Enterprises

Makuhari International Training Center, Chiba, Japan, 14–15 September 2016

Brunei Darussalam

1. Ms Nur Judy Abdullah
Secretary for Social Welfare
National Chamber of Commerce and Industry (NCCI)

Cambodia

2. Ms Suth Seneth
Official, Ministry of Labour and Vocational Training
Labour Dispute Department
3. Mr Sok Lor
Secretary General
Cambodian Federation of Employers and Business Associations (CAMFEBA)
4. Mr Chhum Chhat
International Department Officer
Cambodian Confederation of Trade Union (CCTU)

Indonesia

5. Mr Muhammad Arief Winasis
Head, Subdivision of Evaluation and Reporting
Directorate General of Industrial Relations and Workers Social Security
Ministry of Manpower
6. Mr Hariyadi Budi Santoso
Chairman
Employers' Association of Indonesia (APINDO)
7. Mr Yudi Permana
Vice-President
Federasi Serikat Pekerja Metal Indonesia (FSPMI)

Lao People's Democratic Republic

8. Mr Oudone Maniboun
Director, Labour Inspection Division
Department of Labour Management
Ministry of Labour and Social Welfare (MOLSW)
9. Ms Vilack Boutsaba
Technical Officer, Bureau of Employer Activities
Lao National Chamber of Commerce and Industry (LNCCI)
10. Ms Pathoumthong Luangvilay
Head, Project Management Division
Lao Federation of Trade Unions (LFTU)

Malaysia

11. Ms Anita Binti Ahmad
Director, Department of Industrial Relations Selangor
Ministry of Human Resources (MOHR)

12. Mr Abdullah Bin Abdul Karim
Senior Consultant – Industrial Relations
Malaysian Employers' Federation (MEF)

13. Mr Ng Choo Seong
Vice-President
Malaysian Trades Union Congress (MTUC)

Myanmar

14. Mr Soe Win
Director, Department of Labour
Ministry of Labour, Immigration and Population

15. Mr Thet Naing Oo
Deputy Chief Executive Officer, Employer Services Department
Union of Myanmar Federation of Chambers of Commerce and Industry (UMFCCI)

Philippines

16. Mr Benjo Santos Benavidez
Director IV, Bureau of Labor Relations
Department of Labor and Employment (DOLE)

17. Ms Lucila Tarriela
Assistant Treasurer
Employers' Confederation of the Philippines (ECOP)

18. Mr Willy Pulia
President
Alliance of Filipino Workers

19. Mr Jomel General
National Vice-President
Federation of Free Workers (FFW)

Singapore

20. Ms Ng Yuet Peng
Senior Assistant Director, Industrial Relations
Ministry of Manpower

21. Ms Clariz Ang
Senior Manager (Industrial and Workplace Relations) and Consultant (HR/Industrial Relations)
Singapore National Employers Federation (SNEF)

22. Mr Loh Joo Shia (Daniel)
Deputy General Secretary
Air Transport Executive Staff Union (ATES)

Thailand

23. Mr Somwang Moryadee
Director of Labour Conflict and Dispute Conciliation Group
Ministry of Labour

24. Mr Bowornnan Thongkalya
Senior Executive Vice-President
Human Resource and Administration Group,
Mitr Phol Group

-
25. Mr Pongthiti Pongsilamanee
Vice General Secretary for Education
State Enterprises Workers' Relations Confederation (SERC)

Viet Nam

26. Mr Nguyen Duy Phuc
Vice Director, Center for Industrial Relations Development (CIRD)
Ministry of Labour, Invalids and Social Affairs
27. Ms Thach Thi Hop
Manager
Viet Nam Chamber of Commerce and Industry (VCCI)
28. Ms Tran Thi Thuy Hang
Deputy Chief of Division
Viet Nam General Confederation of Labour (VGCL)

Japan

29. Mr Tomoaki Katsuda
Assistant Minister for International Affairs
Minister's Secretariat
Ministry of Health, Labour and Welfare
30. Mr Shinichi Akiyama
Deputy Assistant Minister for International Policy Planning
Minister's Secretariat
Ministry of Health, Labour and Welfare
31. Mr Shunichi Uemura
Senior Researcher for International Labour Standards
Minister's Secretariat
Ministry of Health, Labour and Welfare
32. Mr Sho Sudo
Deputy Director
International Affairs Divisions
Ministry of Health, Labour and Welfare
33. Ms Hiroko Tanaka
Section Chief, International Affairs Divisions
Minister's Secretariat
Ministry of Health, Labour and Welfare
34. Mr Hiroyuki Matsui
Senior Adviser, International Cooperation Bureau
Japan Business Federation (KEIDANREN)
35. Mr Hideyuki Hirakawa
Director, International Department
Japanese Trade Union Confederation – Rengo (JTUC-Rengo)

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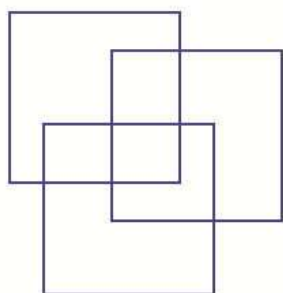
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Report of the Seventh Regional Seminar on Industrial Relations in the ASEAN Region

This volume contains the report of the Seventh Regional Seminar on Industrial Relations in the ASEAN Region, under the ILO/Japan Workplaces and Industries for Sustainable and Inclusive Growth Through Sharing Good Practices of GBA, OSH and Industrial Relations Project. There is interest and need in the ASEAN region to build better industrial relations and promote social dialogue. The Seventh Regional Seminar was organized to discuss the current situation of industrial relations in the ASEAN Region and promoting social dialogue within enterprises. The seminar, attended by tripartite representatives from ASEAN Member States and Japan, was held in Chiba, Japan, 14–15 September 2016.



This report captures the practices and situations regarding industrial relations and social dialogue in the ASEAN region, particularly laws and regulations. In presenting examples and sharing information, the country reports highlight recent developments and future initiatives in industrial relations. The report reflects the perspectives of ASEAN policy-makers, including workers and employers, in promoting social dialogue and harmonious industrial relations practices.

Workplaces and Industries for Sustainable and Inclusive Growth through
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