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SENATE

P. S. RES. NO. 456

Introduced by Senator JOEL VILLANUEVA

RESOLUTION

URGING THE EXECUTIVE DEPARTMENT TO RATIFY THE INTERNATIONAL LABOUR ORGANIZATION CONVENTION NO. 190 CONCERNING THE ELIMINATION OF VIOLENCE AND HARASSMENT IN THE WORLD OF WORK

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

WHEREAS, the Philippines, as among the 187 member states of the International Labour Organisation (ILO), has ratified a total of thirty-eight (38) ILO Conventions of which thirty-one (31) are in force that promote the welfare of workers such as Convention No. 111 or Discrimination (Employment and Occupation) Convention No. 182 or Worst Forms of Child Labour Convention, and Convention No. 187 or Promotional Framework for Occupational Safety and Health Convention, among others;

WHEREAS, consistent with the country's adherence to internationally accepted principles on discrimination, several laws have been passed to prohibit discriminatory acts in the workplace such as Republic Act No. 6725 or prohibition on discrimination against women with respect to terms and conditions of their employment, Republic Act No. 7277 or prohibition on discrimination against disabled employees, Republic Act No. 10911 or prohibition on discrimination against any individual in employment on account of age, Republic Act No. 11166 or prohibition on discrimination against an employee on account of actual, perceived, or suspected HIV status, and Republic Act No. 11210 or prohibition on discrimination against female employees for them not to avail of maternity leave;

WHEREAS, hostilities in the workplace that are sexual in nature are penalized under Republic Act No. 7877 or the Anti-Sexual Harassment Act of 1995 and Republic Act No. 11313 or the Safe Spaces Act;

WHEREAS, on 21 June 2019, the International Labour Conference adopted the Convention concerning the elimination of violence and harassment in the world of work (No. 190) and its accompanying Recommendation (No. 206);

WHEREAS, the Philippine Government delegation to the 108th Session of the International Labour Conference in June 2019, headed by Secretary Silvestre H. Bello, III of the Department of Labor and Employment, voted for the adoption of Convention No. 190 and Recommendation No. 206, to signify the Philippine Government's commitment of a violence-free and harassment-free work environment;

WHEREAS, ILO Convention No. 190 or the Violence and Harassment Convention seeks to protect workers and other persons in the world of work from violence and harassment occurring in the course of, linked with, or arising out of work with an accompanying Recommendation No. 206 that provides guidance in implementing the Convention;

WHEREAS, the country's existing laws on discrimination addresses Article 6 of Convention No. 190, which requires each state-member to "adopt laws, regulations and policies ensuring the right to equality and non-discrimination in employment and occupation, including for women workers, as well as for workers and other persons belonging to one or more vulnerable groups or groups in situations of vulnerability that are disproportionately affected by violence and harassment in the world of work";

WHEREAS, protection to our Overseas Filipino Workers (OFWs) against violence and harassment is wanting as underscored by the recent brutal death of OFW Jullebee Ranara in Kuwait, a country with an existing Memorandum of Understanding with the Philippines on the kafala system and deemed a partially compliant country, and the OWWA Summary of Welfare Cases for the Months of January to December 2020, which showed high number of cases of maltreatment and sexual abuse, to wit:

Nature of welfare cases (Jan-Dec 2020)	Middle East	Asia	Europe & Americas
Maltreatment/Mistreatment	6,035	593	86
Contract Violation	9,647	2,355	232
Contract Substitution	2,550	56	7
Sexual Abuse/Harassment	444	35	32
Rape	77	51	3

WHEREAS, in the light of these continuing maltreatment, contract violations, sexual abuse and harassment, rape and deaths of our OFWs in the hands of their employers in the Middle East, Asia and Europe, there is urgent need to strengthen protection to our OFWs to stop the killings and maltreatments;

WHEREAS, the criteria for compliant or partially compliant country for deployment of OFWs include: (i) being a country signatory to and/or a ratifier of multilateral conventions, declarations or resolutions relating to the protection of workers, including migrant workers, and (ii) has concluded a bilateral agreement or arrangement with the government on the protection of the rights of OFWs, pursuant to Section 4 of Republic Act No. 8042;

WHEREAS, with the above requirement of Section 4, Republic Act No. 8042, the country's ratification of Convention No. 190 and Recommendation No. 206 becomes urgent to reinforce ILO Convention No. 189 or the Domestic Workers Convention, which the Philippines has ratified on 05 September 2012 to strengthen protection to our OFWs;

WHEREAS, the country's ratification will be impetus to reflect the principles of Convention Nos. 190 and 189, being International Labour Standards, in all bilateral agreements or arrangements with non-ratifying receiving countries, and could provide the country option to elevate the killings and maltreatments of OFWs to the ILO Supervisory Bodies;

WHEREAS, considering the Philippine adoption of Convention No. 190 in June 2019 and the urgency to afford protection to all our workers, especially OFWs, it is incumbent upon the Department of Labor and Employment (DOLE), Department of Migrant Workers (DMW), Department of Foreign Affairs (DFA), and the Civil Service Commission (CSC) to immediately take action for its ratification by President Ferdinand Romualdez Marcos, Jr., and confirmation by the Philippine Senate;

NOW, THEREFORE, BE IT RESOLVED, AS IT IS HEREBY RESOLVED, that the Senate of the Philippines urges the Executive Department through the Department of Labor and Employment (DOLE), Department of Migrant Workers (DMW), Department of Foreign Affairs (DFA), and the Civil Service Commission (CSC) to ratify the International Labor Organization Convention No. 190 Concerning the Elimination of Violence and Harassment in the World of Work and the accompanying Recommendation No. 206.

Adopted,


SENATOR JOEL VILLANUEVA *jr*