

FIFTEENTH CONGRESS OF THE REPUBLIC
OF THE PHILIPPINES
Second Regular Session

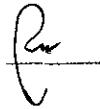


Senate
Office of the Secretary

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SENATE

Senate Bill No. 2921

RECEIVED BY: 

INTRODUCED BY SENATOR JINGGOY EJERCITO ESTRADA

EXPLANATORY NOTE

The Labor Code declares tripartism in labor relations as a State Policy. Article 275 of the Labor Code states that "Tripartism in labor relations is hereby declared a state policy. Towards this end, workers and employers shall, as far as practicable, be represented in decision and policy-making bodies of the government. Xxx"

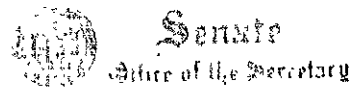
Tripartism refers to the representation of workers and employers sectors in decision and policy making bodies of the government. Through tripartism, employers and workers on the one hand, representing their respective interests, and the government on the other hand, representing the interest of the public, help shape labor, social and economic policies and programs of the government.

The Tripartite Industrial Peace Council (TIPC) is the main consultative and advisory body lodged with the Department of Labor and Employment. It serves primarily as a venue where representatives from labor, employers and government sectors discuss and process relevant policy issues on labor and employment.

This Bill amending Article 275 of the Labor Code seeks to strengthen tripartism and incorporates the twenty (20) labor and employer representatives each per sector which shall be designated by the President at regular interval and the nomination and selection procedure observing the "most representative" organization criterion of ILO Convention 144.

Immediate passage of this bill is earnestly sought.


JINGGOY EJERCITO ESTRADA
Senator



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AN ACT

STRENGTHENING TRIPARTISM, AMENDING FOR THE PURPOSE ARTICLE 275 OF PRESIDENTIAL DECREE 442, OTHERWISE KNOWN AS THE LABOR CODE OF THE PHILIPPINES, AS AMENDED

Be it enacted by the Senate and the House of Representatives of the Philippines in Congress assembled:

Section 1. Article 275 of the Labor Code is hereby amended to read as follows:

“Article 275. TRIPARTISM, TRIPARTITE CONFERENCES AND TRIPARTITE INDUSTRIAL PEACE COUNCILS.

(a) Tripartism in labor relations is hereby declared a State policy. Towards this end, workers and employers, shall, as far as practicable, be represented in decision and policy-making bodies of the government.

(b) The Secretary of Labor and Employment or his duly authorized representatives may, from time to time, call a national, regional or industrial tripartite conference of representatives of government, workers and employers, and other interest groups as the case may be, for the consideration and adoption of voluntary codes of principles designed to promote industrial peace based on social justice or to align labor movement relations with established

priorities in economic and social development. In calling such conference, the Secretary of Labor and Employment may consult with accredited representatives of workers and employers.

(c) TRIPARTITE INDUSTRIAL PEACE COUNCILS IN THE NATIONAL, REGIONAL OR INDUSTRY SHALL BE ESTABLISHED WITH REPRESENTATIVES FROM GOVERNMENT, WORKERS AND EMPLOYERS, TO SERVE AS A CONTINUING FORUM FOR TRIPARTITE ADVISEMENT AND CONSULTATION IN AID OF STREAMLINING THE ROLE OF GOVERNMENT, EMPOWERING WORKERS' AND EMPLOYERS' ORGANIZATIONS, ENHANCING THEIR RESPECTIVE RIGHTS, ATTAINING INDUSTRIAL PEACE AND IMPROVING PRODUCTIVITY.

THE SECRETARY OF LABOR AND EMPLOYMENT SHALL HEAD THE NATIONAL TRIPARTITE INDUSTRIAL PEACE COUNCIL (NTIPC) WITH TWENTY (20) REPRESENTATIVES EACH FROM THE LABOR AND EMPLOYER'S SECTORS TO BE DESIGNATED BY THE PRESIDENT AT REGULAR INTERVAL. FOR THIS PURPOSE, A SECTORAL NOMINATION, SELECTION AND RECALL PROCESS SHALL BE ESTABLISHED BY THE DEPARTMENT OF LABOR AND EMPLOYMENT IN CONSULTATION WITH THE SECTORS OBSERVING THE "MOST REPRESENTATIVE" ORGANIZATION CRITERIA OF ILO CONVENTION NO. 144.

THE TRIPARTITE INDUSTRIAL PEACE COUNCIL (TIPC) SHALL HAVE THE FOLLOWING FUNCTIONS:

a. TO MONITOR THE FULL IMPLEMENTATION AND COMPLIANCE BY CONCERNED SECTORS WITH THE PROVISIONS OF ALL TRIPARTITE INSTRUMENTS, INCLUDING INTERNATIONAL CONVENTIONS AND DECLARATIONS, CODES OF CONDUCT AND SOCIAL ACCORDS;

b. TO PARTICIPATE IN NATIONAL, REGIONAL OR INDUSTRY-SPECIFIC TRIPARTITE CONFERENCES WHICH THE PRESIDENT OR THE SECRETARY OF

LABOR AND EMPLOYMENT MAY CALL FROM TIME TO TIME;

c. TO REVIEW EXISTING LABOR, ECONOMIC AND SOCIAL POLICIES AND TO EVALUATE LOCAL AND INTERNATIONAL DEVELOPMENTS AFFECTING THEM;

d. TO FORMULATE, FOR SUBMISSION TO THE PRESIDENT OR TO CONGRESS, TRIPARTITE VIEWS, RECOMMENDATIONS AND PROPOSALS ON LABOR, ECONOMIC AND SOCIAL CONCERNS, INCLUDING THE PRESENTATION OF TRIPARTITE POSITIONS ON RELEVANT BILLS PENDING IN CONGRESS;

e. TO ADVISE THE SECRETARY OF LABOR AND EMPLOYMENT IN THE FORMULATION OR IMPLEMENTATION OF POLICIES AND LEGISLATIONS AFFECTING LABOR AND EMPLOYMENT;

f. TO SERVE AS A COMMUNICATION CHANNEL AND A MECHANISM FOR UNDERTAKING JOINT PROGRAMS AMONG GOVERNMENT, WORKERS, EMPLOYERS AND THEIR ORGANIZATIONS TOWARD ENHANCING LABOR-MANAGEMENT RELATIONS; AND

g. TO ADOPT ITS OWN PROGRAM OF ACTIVITIES AND RULES, CONSISTENT WITH DEVELOPMENT OBJECTIVES.

ALL REGIONAL TRIPARTITE INDUSTRIAL PEACE COUNCILS (RTIPC) AND THEIR SUBCOMMITTEES AND ALL INDUSTRY-WIDE TRIPARTITE COUNCILS, WHETHER NATIONAL, REGIONAL OR LOCAL, SHALL BE AN INTEGRAL PART OF THE ORGANIZATIONAL STRUCTURE OF THE NTIPC.

(d) THE OPERATIONS OF ALL TRIPARTITE INDUSTRIAL PEACE COUNCILS AND INDUSTRY TRIPARTITE COUNCILS SHALL BE FUNDED FROM THE REGULAR BUDGET OF THE DEPARTMENT OF LABOR AND EMPLOYMENT."

Sec. 2. Implementing Rules and Regulations. – The Secretary of Labor and Employment shall promulgate the necessary rules and regulations to implement the provisions of this Act.

Sec. 3. Separability Clause. – If any part, section or provision of this Act shall be held invalid or unconstitutional, the other provisions shall not be affected thereby.

Sec. 4. Repealing Clause. – Presidential Decree No. 442, otherwise known as the Labor Code of the Philippines, as amended, and all other acts, laws, presidential issuances, rules and regulations inconsistent herewith are hereby repealed, amended or modified accordingly.

Sec. 5. Effectivity Clause. – This Act shall take effect fifteen (15) days after its complete publication in the Official Gazette or in at least two (2) newspapers of national circulation.

APPROVED,