

Documentation Report

BANGSAMORO LABOUR SUMMIT

“Promotion of Social Justice Through Proposed Legislation”

Venue: Ebrahim Hall, Em Manor Hotel and Convention Center, Cotabato City

Date: July 6-7, 2022

INTRODUCTION

The **Office of MP Romeo K. Sema**, of the Bangsamoro Transition Authority, BARMM led the preparation and conduct of the Bangsamoro Labour Summit: “Promotion of Social Justice Through Proposed Legislation” in Ebrahim Hall, Em Manor, Cotabato City.

The Summit aims to provide a forum for soliciting workers perspectives on the Bangsamoro Labor and Employment Code of 2022 (BLEC) and the other four related proposed legislations, and to discuss representation of workers from both the private and public labour sectors in BARMM, including workers in the informal economy. The activity was in partnership with the International Labour Organization. The Associated Labor Unions-TUCP also gave support to the Summit. One hundred eighty-five (185) participants were in attendance during the 2-day activity.

FIRST DAY (July 6, 2022)

Around 9 am, the activity started with the registration of the participants of the different labour organization from Bangsamoro Region and representatives from different nationwide labour organizations. After registration, the programme officially started with a prayer and subsequent singing of the Philippine National Anthem and the Bangsamoro Hymn.

MESSAGES:

The main proponent and lead of the activity, **Member of the Parliament Romeo K. Sema, DPA** and the Chairman of the Committee on Labor and Employment of the Bangsamoro Transition Authority, gave his welcome remarks, appreciating the actual presence and on video of special guests and participants. He gave special thanks for the support and guidance of the International Labour Organization (ILO) and also of the Trade Union Congress of the Philippines (TUCP).

A pre-recorded video message was given by **Hon. Ahod Balawag Ebrahim**, Chief Minister of the Bangsamoro Autonomous Region, he gave his assurance of support stating that the Government of the Day is one with the Committees in calling for the immediate passage of the much needed legislations of the five Bills to make the lives of the labour force much better”.

The Head of ILO-Manila, **Director Khalid Hassan** also gave his message through a video where he emphasized that the collaboration between their organization and MP Romeo Sema on the development of Labor Code started when the latter was still in his previous

office and was glad that it was moving forward in the Parliament. He made emphasis on the importance of social dialogue in the labour sector.

After the intermission of the Kulintang by Barikata Sansawi Ensemble, the representative of **Congressman Raymond C. Mendoza of TUCP Partylist, Mr Sofriano Mataro**, read his message regarding his pursuit for the decent work and social economic advancement for all; hoped for true advancement of the interest of the labour workers in Bangsamoro; and gave congratulations to the success of the activity.

Ms Dianne Lynn Respall, Programme Officer, ILO-CO Manila, briefly introduced the ILO and its history and presented the topic, Decent Work Framework. Accordingly, the ILO ensures that programmes it participated with has the active participation of the government, the labour and the employers in order that it will be reflective of the social reality.

Further, there was a discussion of the **four pillars of the Decent Work Framework**, namely employment protection, social protection, standards and rights at work and social dialogue. The pillar of **Employment Promotion** is the essential instrument for raising living standards, widening access to incomes and providing security of income. Freely chosen and productive, provides an adequate income security and does not jeopardize life and health.

The second pillar, **Social Protection** refers to the entire array of policies and arrangements, including social security which society provides for its members through public measures in order to offset the absence of reduction of income from work resulting from contingencies, and to provide people with healthcare and benefits for families and children, the provision of occupational risks that endanger workers' health and safety, and the protection of workers from exploitative terms and conditions of employment.

The third pillar, **Standards and Rights at Work** covers minimum labour standards (ex. hours of work, prohibition of forced labour, minimum working age convention, recognition of the right to organize and bargain collectively, occupational safety and health), particularly the fundamental principles and rights at work, which ensure that no one is left behind and that each has the capability to realize and develop his/her potentials and participate in the development process. They are preconditions for the construction of a socially legitimate labour market.

Lastly, the fourth pillar, **Social Dialogue** refers to all types of negotiation, consultation and exchange of information between or among representatives of employers, workers and governments on issues of common interest in the field of economic and social policy.

Furthermore, in the ILO's **Decent Work Country Programme**, **three priorities** were identified, namely: **Employment** which is the productive, remunerative, freely chosen, green and sustainable work and environment available for all; **Labour Market Governance** which ensures respect for all fundamental rights at work and strong workers' and employers' organizations to effectively participate and influence policy and decision-making processes; and, **Social Protection** which is the equitable social protection that is available and accessible to all. Finally, the International Labour Standard is accessible, implementable, and achievable because it contains the minimum standards of labour.

Subsequently, **Mr Jerome Alcantara**, the representative and Chief of Staff of **Secretary Susan Ople** of the Department of Migrant Workers gave the latter's message via zoom, congratulating the conduct of the Summit and briefly stated their Department's programmes and extending their intent for friendly interaction and coordination with the Bangsamoro government.

PRESENTATIONS:

In the afternoon, the Chief of Staff of the Office of MP Romeo Sema, **Mr Kamaludin K. Laguib, Jr., EnP** presented the first proposed legislative bill, the Bangsamoro Labor and Employment Code of 2022 (BLEC), promulgated to provide a framework that is responsive to the needs, ideals, aspirations, and reflective of the culture and traditions of the Bangsamoro. Specifically, it provides for the culturally appropriate labour rights of the Bangsamoro workers, and the new provisions added thereof such as pilgrimage leave, quarantine leave, the right to disconnect and the creation of the Bangsamoro Wages and Productivity Commission and its three sub-regional boards.

Next, **Atty. Joan Kate Uy** of the Office of MP Romeo Sema presented the succeeding four proposed legislative bills. The Bangsamoro Magna Carta for Workers in the Informal Economy bill acknowledged and gave substantive labour rights to the workers in the informal sectors. The third proposed legislative bill, the Bangsamoro Labor Justice and Administration Act will be established, among others, the Bangsamoro Labor Adjudication Commission and its three Bangsamoro Labor Arbiters for the three sub-regions, the institution within the BARMM region has the mandate of promotion and maintenance of industrial peace by resolving labour and management disputes.

As an intermission, MP Romeo Sema distributed tokens of appreciation to the special guests, Secretary Ople, Ms. Respall, and Congressman Mendoza, or through their representatives.

After that, Atty. Uy explained the last two proposed legislative bills, the Bangsamoro Tripartism and Social Dialogue and the Bangsamoro Public Service Eligibility Equivalency Act. The former bill provides that the workers are given the right to be represented in decision, consultative and policy-making bodies of the Bangsamoro Government while, in the latter bill, it provides that the public employees without civil service eligibility is given the opportunity to become regular if they are qualified under the aforesaid bill.

Thereafter, **Mr Arun Kumar**, a specialist on Collective Bargaining and Social Dialogue of the ILO, elaborated on the necessity of social dialogue and commented - it was good that the Bangsamoro has seen this necessity and incorporated social dialogue in their proposed legislation.

The first day of the summit concluded with the giving away of the recognition awards to the first batch of the participants.

SECOND DAY (July 7, 2022)

The programme started with the registration of the participants, the opening prayer and the singing of the National Philippine Anthem and Bangsamoro Hymn.

Thereafter, a recap of the first day of the summit was presented by **Ms Alia Raida Arumpac**, Political Affairs Officer VI of the Office of MP Romeo Sema.

Afterwards, several representatives of labour organizations from the national level voiced their reactions regarding the proposed bills presented in the first day of the Bangsamoro Labour Summit.

REACTIONS/ PROPOSED AMMENDMENTS

The first reactor was **Mr Sofriano M. Mataro**, the Regional Vice President of the Associated Labor Unions-TUCP. In behalf of his organization, he gave his strong support for the early adoption of the BLEC.

The second reactor was **Mr Josua Mata**, the Secretary General of the Sentro ng mga Nagkakaisa at Progresibong Manggagawa (SENTRO). He discussed the brief history and importance of unionism. He commented He further pointed out several suggestions he wanted to revise in the BLEC which are the following:

First, he proposed an amendment on Section 7(a) that the MOLE should have the authority to make recommendation through evaluation of all development policies, including trade and investment policies, based on its impact on employment.

Second, although he lauded the inclusion of the public sector in the coverage of BLEC, the Sections 46, 47 and 48 on strike should be amended to include the recognition to right to strike of the public sector which may be clarified by the MOLE and CSC in subsequent policies to ensure that the essential public services are continuously provided even if there is a strike.

Third, there should be an amendment regarding Foreign Nationals on Section 7 and deletion of Section 70 and replacement thereof, to wit:

Section 70. Labour Rights of Foreign Nationals. All foreign nationals accepted as worker in BARMM is covered by this labor code and shall enjoy all rights accorded herein, including full trade union rights.

Fourth, although he also lauded the bill's adoption of an employment policy that gives premium to regular employment, he introduced some improvements thereon by: ensuring that all fixed term employment is prohibited (Sec 205); probationary periods for workers and teachers are clarified (Sec 296); and some clarificatory rewording on prohibition against labour only contracting and the penalties thereof (Sec 207).

Fifth, the term "deserving" of Section 30 on SPEBS should be removed because the programme should be equally accessible to the poor and such term can be considered as discriminatory.

Sixth, Section 50 regarding the wages of the differently abled should be amended because the proposal to provide them with 75% of wages, though it might be well-intentioned, is actually discriminatory.

Seventh, Sections 109, 110 and 111 should be amended with the suggestion that there should be only one minimum wage level in whole BARMM to discourage regional differentiation.

Eighth, the Chapter I of Book IV of the BLEC regarding occupational health, welfare and protection of workers should be amended to specifically add the public workers as those covered with the guaranteed occupational safety and health protection.

Ninth, Section 179 should be amended to provide a provision on multi-employer bargaining which is to encourage and realize a high union density, multi-employer bargaining; and,

Lastly, the provisions of Section 173 and 177 on the grounds for cancellation of union registration must be further limited to voluntary dissolution because the entire organization must not be penalized for the negligence of its officers.

The third reactor was **Atty Sonny Matula**, the President of the Federation of Free Workers. He gave brief history where the right of self-organization originated from the Katipuneros' Malolos Constitution. He raised several suggestions, to wit:

First, he corrected the typographical error in Section 40 of BLEC on the ban of the direct-hiring which is to insert a comma after the words employers and another comma after MOLE to show respect to the privilege of the diplomatic community to hire directly.

Second, on Section 54(a) of BLEC on the definition of elderly workers, it should include as part of the definition the phrase "*or who are out of job*" after the word retired.

Third, on Section 215(c) of the BLEC, the employee should also be considered as member to the collective bargaining agreement (CBA) and not only a member of a union so that the employee can enjoy the benefits of the aforesaid CBA.

Fourth, there should be a provision on requirement on arrest and detention and a requirement of a clearance from the MOLE before the filing of criminal cases before the prosecutor related to or arising from labour dispute.

Fifth, the solidary liability of the principal and agent should also include other social labour legislations such as SSS and Pag-IBIG.

Sixth, there should also be a provision on the time of payment of separation pay which could be on the date of separation or not later than a month from the date of separation.

Lastly, it is not clear whether the issuances of awards of the voluntary arbiter is immediately executory without the need of interference of the Bangsamoro Labor Arbiter.

The fourth reactor was **Mr Felix B. Cabugas, Jr.**, the President of the Public Services Labor Independent Confederation (PS LINK). He raised several suggestions which are the following:

First, he commented that there should be a provision in BLEC to include the right to strike for the public workers.

Second, he also pointed out that, in Section 47 of the BLEC, there must be a clarification whether the Bangsamoro-owned and controlled corporations without original charter is also included in the coverage thereof and there must be a representation from the public workers organizations through social dialogue in the jointly issuance of the implementing rules and regulations of the MOLE and CSC regarding thereof.

Third, in the Bangsamoro Tripartism and Social Dialogue bill, there is a need to ensure the representation of the public workers organizations in the BTIPC and a need for the clarification on the counterpart public sector organization representative.

Lastly, on Bangsamoro Public Service Eligibility Equivalency bill, there must be a definition of custodial functions; whether the administrative support and utility personnel are included in the coverage; and, if possible, shorten the requirement of 3 continuous and satisfactory service into 2 years.

The fifth reactor was **Mr Johnny Balawag** from the Public Services Labor Independent Confederation. He supported the suggestions put forward by Mr Cabugas, Jr., and enthusiastically promote for a stronger public sector unionism. He applauded the Bangsamoro Public Service Eligibility Equivalency bill because it is a step forward to the goal to shift from credit system to performance system in benefit for those incapable to get credentials. He put forward several suggestions which are the following:

First, there must be a more specific legislation regarding public sector unionism and not only left to the implementing rules and regulations. It must not be only at the Agency level but should be larger in scope and comprehensive.

Second, he further supported the creation of a Bangsamoro Public Sector Relations Board under the MOLE which should be composed of those from the government and from the public sector organizations.

Lastly, there must be a public sector collective negotiation provision with an inclusion of a provision that will provide a comprehensive list of negotiable items.

Thereafter, some participants also raised their own suggestions in the open forum which are the following:

First, it was suggested that there will be special monitoring focused on monitoring of domestic workers and informal workers.

Second, in the bill Bangsamoro Tripartism and Social Dialogue, there should also be a provision for a representation from public workers organizations in the Bangsamoro policy-making bodies including GSIS, where the interest of the public workers may be affected.

Third, there should also grievance mechanism or voluntary arbitration that will settle grievances of the public workers or otherwise include the labour disputes of the public workers within the scope of coverage of the Bangsamoro Labor Justice and Administration Act.

Fourth, the public workers should be included in the coverage of the Occupational Health and Safety Standards.

Fifth, it was recommended to use the prevalent local dialect of the municipality or city of the BARMM in the conveyance and dispersion of the laws.

Lastly, there should be a close coordination of the MOLE and TESDA to equip the workers with the necessary skills.

After lunch, the programme ends after the drafting, presentation, amendments and formal adoption of the Bangsamoro Labour Summit resolution entitled, "A Resolution of the Bangsamoro Labour Summit for the Urgent Passage of the Proposed Legislation Bill, the 'Bangsamoro Labor and Employment Code of 2022' and Other Legislative Bills".

APPENDICES

1. Attendance Sheets
2. Programme
3. BL Summit Resolution for the Urgent Passage of the Proposed Legislations

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