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Bangsamoro Autonomoud Region in Muslim Mindanao
BANGSAMORO TRANSITION AUTHORITY
Cotabato City

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BTA Bill No. 193

Bangsamoro Autonomous Region in Muslim Mindanao
Parliament
BILLS AND INDEX DIVISION
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Introduced by MP ROMEO K. SEMA

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**AN ACT
PROVIDING FOR TRIPARTISM AND MECHANISM FOR
SOCIAL DIALOGUE IN THE PRIVATE SECTOR AND
BANGSAMORO CIVIL SERVICE**

*Be it enacted by the Bangsamoro Transition Authority in Parliament
assembled:*

**Chapter I
GENERAL PRINCIPLES**

SEC. 1. Short Title. – This Act shall be known as the “**Bangsamoro Tripartism and Social Dialogue Act.**”

SEC. 2. Declaration of Policy. – It is hereby declared a policy of the Bangsamoro Government to promote and fulfill the right of the every Bangsamoro and their organizations to effectively participate in social, political, and economic policy and decision-making processes pursuant to the guarantees of Article XIII, Section 3 of the 1987 Philippine Constitution and

Article IX, Section 10 of Republic Act No. 11054 or the Bangsamoro Organic Law.

For this purpose, employers' and workers' organization shall, as far as practicable, be represented in decision, consultative and policy-making bodies of the Bangsamoro Government. And mechanisms for sectoral participation in consultations and social dialogue, consistent with the Philippine ratified ILO Convention No. 144 on tripartite consultation and Republic Act No. 10395 on tripartism, shall also be established in the Bangsamoro Autonomous Region in Muslim Mindanao (BARMM).

SEC. 3. Coverage. – This Act shall apply to all registered and operating private establishments in the BARMM, and Bangsamoro civil service, covering all branches, subdivisions, instrumentalities, and government agencies, including government-owned or controlled corporations, state/local universities and colleges, and local government units.

SEC. 4. Definition of Terms. – As used in this Act, the following terms shall mean:

- (a) **“BEZA”** refers to the Bangsamoro Economic Zone Authority.
- (b) **“BLRS”** refers to the Bureau of Labor Relations and Standards of the MOLE.
- (c) **“BTIPC”** refers to the Bangsamoro Tripartite Industrial Peace Council lodged with the Ministry of Labor and Employment and chaired by the Minister of Labor and Employment.
- (d) **“GOCC”** refers to Government-Owned and Controlled Corporation.
- (e) **“ITC”** refers to Industry Tripartite Council created at the regional, provincial, city or municipal level.
- (f) **“LMC”** refers to Labor-Management Committee, a structure in a business enterprise composed of representatives of labor and management as workplace-based mechanism for social dialogue to, in addition to collective bargaining negotiations, establish productivity incentives program, settle disputes, promote workers' participation in decision-making processes, create a labor relations climate conducive to productivity improvement, and improve the quality of working life of workers, among others.
- (g) **“MOLE”** refers to the Bangsamoro Ministry of Labor and Employment.
- (h) **“Most representative organization”** means the most representative BARMM registered organizations of employers and workers, of inclusive membership, and active engagement in public consultations whether in the region or in the locality.

- (i) **“OLSTC”** refers to the Overseas Land-based and Sea-based Tripartite Committee, which is a sub-committee of the BTIPC.
- (j) **“Registered labor organization”** refers to any labor organization in the private or public sectors duly registered or reported with the MOLE, including the organization of workers in the informal sector/economy.
- (k) **“Registered employers’ organization”** refers to the BARMM chapter of the Employers’ Confederation of the Philippines (ECOP), the local chamber of commerce and industry in the locality or such other employers’ organization with inclusive membership.
- (l) **“SDC”** refers to Social Dialogue Committee jointly established by the duly registered public sector union and management which shall serve as information-sharing, consultation and negotiation structures on issues and concerns at the agency or workplace level,
- (m) **“Social Dialogue”** as defined by the International Labour Organisation (ILO) include all types of negotiation, consultation or simply exchange of information between, or among, representatives of governments, employers and workers, on issues of common interest relating to economic and social policy.
- (n) **“TEC”** refers to the Tripartite Executive Committee of the BTIPC.
- (o) **“Tripartism”** refers to the mechanism and the process for negotiation, consultation or exchange of information between and among representatives of governments, employers’ and workers’ organizations on economic and social issue of common interests.

Chapter II

SECTORAL REPRESENTATION IN DECISION, CONSULTATIVE AND POLICY-MAKING BODIES OF THE BANGSAMORO GOVERNMENT

SEC. 5. Bangsamoro Tripartite Industrial Peace Council (BTIPC). – Pursuant to the Bangsamoro Government policy to promote sectoral representation in the decision, consultative and policy-making bodies, the Bangsamoro Tripartite Industrial Peace Council (BTIPC, for brevity), is hereby constituted as the primary consultative body for tripartite advisement and consultation among labor, employer, and government sectors in the formulation, review, and implementation of labor, employment, economic and social policies in the Bangsamoro Region, including the formulation of tripartite bills and positions for submission to the Bangsamoro Parliament.

It shall be composed of labor, employer, and government sectors with the Minister of Labor and Employment as the Chairperson. The labor and employer sectors shall be equally represented in the BTIPC based on the number of

existing and duly registered organizations in the BARMM. They shall be appointed by the Chief Minister at regular intervals for three (3) years unless replaced or recalled by their organization.

Representation of the government sector in the BTIPC shall include agencies whose presence is necessary to ensure full consultation and informed decision-making. They shall be represented by their respective Minister or duly authorized representatives with a rank not lower than Director.

The Bureau of Labor Relations and Standards (BLRS) of the MOLE shall provide technical and secretariat support to the BTIPC.

SEC. 6. Sectoral representation in the Governing Boards of Social Welfare Bodies, Agencies, and/or GOCCs. – The representation of the Bangsamoro workers and employers in the Governing Boards of the following bodies, agencies and/or GOCCs', with or without regional offices in the BARMM, shall be ensured by the Bangsamoro Government:

- (a) Social Security Commission (SSC);
- (b) Home Mutual Development Fund (HDMF);
- (c) Philippine Health Insurance Corporation (PHIC);
- (d) Department of Migrant Workers; and,
- (e) National Anti-Poverty Commission (NAPC).

SEC. 7. Sectoral representation in the Bangsamoro Economic Zone Authority (BEZA) Board. – In accordance with the Bangsamoro Government policy to promote sectoral representation in the decision, consultative and policy-making bodies, and Philippine Economic Zone Authority (PEZA) law, the national government counterpart of BEZA, there is hereby created two (2) additional Board members in the BEZA Board for a representative from the labor sector and from the investors or business sector in the economic zone to be appointed by the Chief Minister upon recommendation by the Minister of Labor and Employment from the list of nominees submitted by respectively by the workers' and investors' organizations.

SEC. 8. Sectoral representation in the Bangsamoro Tripartite Wage and Productivity Board (BTWPB). – The Minister of Labor and Employment shall ensure full sectoral representation of Bangsamoro labor and employers' organizations in the Bangsamoro Tripartite Wage and Productivity Board, being the only tripartite body performing quasi-legislative functions, specifically in the determination and fixing of minimum wage rates, and productivity incentives, as well as a quasi-judicial function when acting on applications for exemptions from wage orders. Upon recommendation by the Minister of Labor and Employment, the sectoral representatives from the list of nominees submitted respectively by the workers' and employers' organizations shall be appointed

by the Chief Minister for a term of five (5) years, unless earlier replaced or recalled by the nominating organization.

SEC. 9. Sectoral representation of Overseas Bangsamoro Workers; Overseas Land-based and Sea-based Tripartite Committee (OLSTC). – Full sectoral representation and consultation on matters affecting the Overseas Bangsamoro Workers (OBW), whether land-based or sea-based, shall be ensured by the Minister of Labor and Employment. For this purpose, organizations of land-based and sea-based OBWs shall be promoted and be accorded two (2) representatives each in the Overseas Land-based and Sea-based Tripartite Committee (OLSTC), which is hereby constituted as a sub-committee of the BTIPC. In addition, the OLSTC shall also have one representative from women OBWs, BARMM registered land-based recruitment agency, and BARMM registered sea-based manning agency. The OLSTC sectoral representatives shall be appointed by the Minister of Labor and Employment, upon nomination by their respective organization, for three (3) years unless sooner replaced or recalled by the nominating organization.

Chapter III MECHANISMS FOR SOCIAL DIALOGUE AT THE WORKPLACE

A. Public Sector

SEC. 10. Social Dialogue in the BARMM Civil Service; Bangsamoro Government Social Dialogue Mechanism. - To make the delivery of government services transparent, graft-free, effective, professionalized, and productive, it is hereby established at the Office of the Cabinet the Chief Minister a Bangsamoro Public Sector Social Dialogue Committee (BPSSDC). The Committee shall ensure regular BARMM-wide consultations for the public sector organizations. It shall involve all branches, subdivisions, instrumentalities, and agencies of the Bangsamoro government, including government-owned or controlled corporations, state/local universities and colleges, and local government units. It shall likewise ensure representation and full participation of public sector workers' organizations in the conduct of social dialogue in policy determination and decision-making affecting them and the terms and conditions of employment in the public service.

SEC. 11. Chief Minister's Social Dialogue with the Public Sector Organizations. - According to its mandate, the BPSSDC shall regularly convene, either *motu-proprio* or upon request by duly registered representative public sector organizations, the Chief Minister's Social Dialogue with the Public Sector Organizations on matters of regional or local concerns or policies affecting the public service.

SEC. 12. Social Dialogue Committee at the Agency or Workplace Level. - At the local and agency levels, a Social Dialogue Committee (SDC) shall be

jointly established by the duly registered public sector union and management which shall serve as information-sharing, consultation and negotiation structures on issues and concerns to:

- (a) Propose reforms to improve service delivery and professionalism in the public sector;
- (b) Undertake discussions regarding issues that may potentially develop into serious conflicts in the workplace;
- (c) Discuss reforms and changes that may potentially affect the agency, its personnel and services;
- (d) Determine terms and conditions of employment which may serve as input to formal collective negotiations; and,
- (e) Discuss such other issues or matters as may be agreed upon at various levels.

The Social Dialogue Committee shall regularly meet at least once every quarter or as frequent as necessary. Special meetings may be conducted as the need arises or as requested by any member. Resource persons may be invited as necessary. Any recommendation issued during such meetings shall be based on consensus, not by a vote. Any unresolved issues shall be referred to available administrative remedies at the agency level.

SEC. 13. Responsibilities of Management and Employees. Management shall ensure adequate administrative support for the SDCs and that recommendations agreed upon in the SDCs are implemented. Likewise, management and employees shall cooperate with the work of the SDCs and with the implementation of their recommendations.

SEC. 14. Promotion, Implementation, and Monitoring of Social Dialogue in the Public Sector. - The BPSSDC and the Bangsamoro Civil Service shall promote and implement social dialogue in the public sector by:

- (a) Ensuring its incorporation in the agency's human resource development plan through regular trainings, seminars, and other awareness-raising activities;
- (b) Providing technical assistance in the setting up of SDC and in the conduct of social dialogue and activities;
- (c) Monitoring government agencies and workplaces compliance;

- (d) Requiring competency to conduct social dialogue of career service professionals or as part of the qualification standards for managerial and supervisory levels, and for this purpose, the Bangsamoro Civil Service shall incorporate social dialogue in its training modules for all public sector employees; and
- (e) Requiring all agencies to submit to the Bangsamoro Civil Service an annual report on the Social Dialogue Committee and plan of activities. The said agencies will also include summaries of such social dialogue reports in their annual reports to the Chief Minister of the BARMM.

B. Private Sector

SEC. 15. Labor-Management Committee/Cooperation (LMC). – A structure for Labor-Management Committee/Cooperation as a workplace-based mechanism for social dialogue, in addition to collective bargaining negotiations, shall be established in all business enterprises operating in the BARMM. It shall develop productivity incentives program, provide alternative dispute settlement mechanism, promote workers' participation in decision-making processes, create a labor relations climate conducive to productivity improvement, and improve the quality of working life of workers, among others. It shall engage in a continuing process of enhancing mutual trust and respect through information sharing, discussion, consultation and negotiations.

A business enterprise or its workers, through their authorized representatives, may initiate the formation of a labor-management committee that shall be composed of an equal number of representatives from the management and from the rank-and-file workers: Provided, That both management and labor shall have equal voting rights: Provided, further, That at the request of any party, the BTWPB as Productivity Body of the Ministry of Labor and Employment shall provide the necessary studies, technical information and assistance, and expert advice to enable the parties to conclude productivity agreements.

Workers' representative in business enterprises with duly recognized or certified labor organizations, shall be those designated by the collective bargaining agent(s) of the bargaining unit(s). In business enterprises without duly recognized or certified labor organizations, the representatives of workers shall be elected by at least a majority of all rank-and-file employees who have rendered at least six (6) months of continuous service.

Chapter IV FINAL PROVISIONS

SEC. 16. Implementing Rules and Regulations (IRR). – The MOLE and the Bangsamoro Civil Service, in coordination with other concerned Bangsamoro

Government agencies, and private and public stakeholders, shall formulate the implementing rules and regulations within 180 days from the effectivity of this Act.

SEC. 17. Funding. - Appropriate resources shall be sourced from the ministries/ agencies General Appropriations Act (GAA).

SEC. 18. Transitory Provision. - The current representatives of workers and employers and public sector organizations at the BARMM shall continue to serve and be recognized until the BTIPC shall have been fully constituted.

SEC. 19. Separability Clause. – If any provision of this Act is declared unconstitutional or invalid, the provisions not affected shall continue to be in full force and effect.

SEC. 20. Repealing Clause. – All laws, decrees, orders, rules and regulations or other issuances inconsistent with the provisions of this Act are hereby repealed, amended or modified accordingly,

SEC. 21. Effectivity. – This Act shall take effect fifteen (15) days after its publication in the Official Gazette.

Principal Author:


MP Romeo K. Sema
Member of the Parliament
Chairman, Committee on Labor and Employment