

SEVENTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
Second Regular Session)



'17 AUG -2 P3:26

SENATE

COMMITTEE REPORT NO. 146 RECEIVED BY: [Signature]

Submitted by the Committee on Foreign Relations on AUG 02 2017.

Re: P.S. Res. No. 454, prepared by the Committee

Recommending its approval without amendment.

Sponsors: Sen. Loren Legarda and Sen. Joel Villanueva

MR. PRESIDENT:

The Committee on Foreign Relations, to which was referred the Agreement, entitled:

**CONVENTION
CONCERNING PROTECTION OF THE RIGHT TO ORGANISE AND
PROCEDURES FOR DETERMINING CONDITIONS OF EMPLOYMENT IN THE
PUBLIC SERVICE**

has considered the same and has the honor to report it back to the Senate with the recommendation that Proposed Senate Resolution No. 454, prepared by the Committee, entitled:

**RESOLUTION
CONCURRING IN THE RATIFICATION OF THE
CONVENTION CONCERNING PROTECTION OF THE RIGHT TO ORGANISE
AND PROCEDURES FOR DETERMINING CONDITIONS OF EMPLOYMENT
IN THE PUBLIC SERVICE**

be approved without amendment.

Respectfully submitted:

LOREN LEGARDA

Chair

Committee on Foreign Relations

Vice-Chairs:



EMMANUEL "MANNY" D. PACQUIAO



JOEL VILLANUEVA




CYNTHIA A. VILLAR

Members



SONNY ANGARA



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RISA HONTIVEROS

PAOLO BENIGNO "BAM" AQUINO IV

Ex-Officio Members:

RALPH G. RECTO

President Pro-Tempore



VICENTE C. SOTTO III

Majority Leader



FRANKLIN M. DRILON

Minority Leader

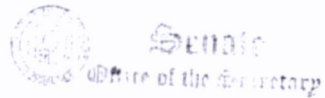
AQUILINO "KOKO" PIMENTEL III

President

Senate of the Philippines

Pasay City

SEVENTEENTH CONGRESS OF THE REPUBLIC)
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Second Regular Session)



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SENATE

P.S. RES. NO. 454 RECEIVED BY: 

Prepared by the Committee on Foreign Relations

RESOLUTION
CONCURRING IN THE RATIFICATION OF THE
CONVENTION CONCERNING PROTECTION OF THE
RIGHT TO ORGANISE AND PROCEDURES FOR DETERMINING
CONDITIONS OF EMPLOYMENT IN THE PUBLIC SERVICE

WHEREAS, Article VII, Section 21 of the Philippine Constitution provides that: "*No treaty or international agreement shall be valid and effective unless concurred in by at least two-thirds of all the members of the Senate*";

WHEREAS, the *Convention Concerning Protection of the Right to Organise and Procedures for Determining Conditions of Employment in the Public Service* (Convention) was adopted on 27 June 1978 in Geneva, Switzerland, and entered into force on 25 February 1981;

WHEREAS, the Convention promotes sound labor relations between public authorities and public employees' organizations through the protection of the right to organize, granting of facilities or privileges to its representatives, full development and utilization of machinery for negotiation of terms and conditions of employment, settlement of disputes arising in connection with the determination of terms and conditions of employment, and promotion of civil and political rights of public employees;

WHEREAS, the Convention applies to all persons employed by public authorities. The extent to which the guarantees in the Convention shall be applied, in so far as the high-level managerial, policy-making and confidential employees are concerned, as well as the armed forces and the police, shall be determined by national laws and regulations;

WHEREAS, the Convention shall come into force twelve months after the date on which its ratification has been registered with the Director-General of the International Labour Office pursuant to Article 11 thereof;

WHEREAS, the President of the Philippines ratified the Agreement on 26 May

2017;

WHEREAS, the Convention is submitted to the Senate for concurrence, in accordance with the Constitution;

WHEREAS, in the hearing conducted by the Senate Committee on Foreign Relations on 2 August 2017, aside from the associations of employees in the public sector, the following key government agencies endorsed the concurrence to the ratification of the Agreement:

1. Department of Foreign Affairs
2. Department of Labor and Employment
3. Department of Justice
4. Civil Service Commission

WHEREFORE, BE IT HEREBY RESOLVED, that the Philippine Senate concur, as it hereby concurs, in the Philippine ratification of the *Convention Concerning Protection of the Right to Organise and Procedures for Determining Conditions of Employment in the Public Service*.

Adopted,



LOREN LEGARDA

Chair

Committee on Foreign Relations

CERTIFICATION

I HEREBY CERTIFY that the attached documents are true and correct copies of the official text of the *Convention Concerning Protection of the Right to Organise and Procedures for Determining Conditions of Employment in the Public Service*.

IN WITNESS WHEREOF, I, PERFECTO R. YASAY, JR., Secretary of Foreign Affairs, have caused the seal of the Department of Foreign Affairs to be affixed and my name subscribed to before the Acting Assistant Secretary for Legal Affairs of the Department, in Pasay City this ___ day of _____ 2016.



PERFECTO R. YASAY, JR.
Secretary of Foreign Affairs

SUBSCRIBED AND SWORN to before me this ___ day of _____ 2016 by the Honorable **PERFECTO R. YASAY, JR.**, Secretary of Foreign Affairs.



LEO TITO L. AUSAN, JR.
Acting Assistant Secretary

MALACAÑANG
MANILA

INSTRUMENT OF RATIFICATION

TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

KNOW YE, that whereas, the *Convention Concerning Protection of the Right to Organise and Procedures for Determining Conditions of Employment in the Public Service* was adopted on 27 June 1978 in Geneva, Switzerland;

WHEREAS, the Convention promotes sound labor relations between public authorities and public employees' organizations through the protection of the right to organize, granting of facilities to the representatives of such organizations, full development and utilization of machinery for negotiation of terms and conditions of employment, and promotion of civil and political rights of public employees;

WHEREAS, the Convention applies to all persons employed by public authorities; and

WHEREAS, the extent to which the guarantees in the Convention shall be applied to high-level employees, whose functions are considered policy-making or managerial, and confidential employees, as well as to the armed forces and the police, shall be determined by national laws and regulations;

NOW, THEREFORE, be it known that **I, RODRIGO ROA DUTERTE**, President of the Republic of the Philippines, after having seen and considered the *Convention Concerning Protection of the Right to Organise and Procedures for Determining Conditions of Employment in the Public Service*, do hereby ratify and confirm the same and each and every article and clause thereof.

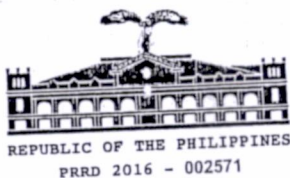
IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the seal of the Republic of the Philippines to be affixed.

GIVEN under my hand at the City of Manila, this 26th day of May in the year of Our Lord Two Thousand and Seventeen.




BY THE PRESIDENT


SALVADOR C. MEDIALDEA
Executive Secretary



151 - Labour Relations (Public Service) Convention, 1978 (No. 151)
*Convention concerning Protection of the Right to Organise and Procedures
for Determining Conditions of Employment in the Public Service (Entry into
force: 25 Feb 1981) Adoption: Geneva, 64th ILC session (27 Jun 1978) -
Status: Up-to-date instrument (Technical Convention).*

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Preamble

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Sixty-fourth Session on 7 June 1978, and

Noting the terms of the Freedom of Association and Protection of the Right to Organise Convention, 1948, the Right to Organise and Collective Bargaining Convention, 1949, and the Workers' Representatives Convention and Recommendation, 1971, and

Recalling that the Right to Organise and Collective Bargaining Convention, 1949, does not cover certain categories of public employees and that the Workers' Representatives Convention and Recommendation, 1971, apply to workers' representatives in the undertaking, and

Noting the considerable expansion of public-service activities in many countries and the need for sound labour relations between public authorities and public employees' organisations, and

Having regard to the great diversity of political, social and economic systems among member States and the differences in practice among them (e.g. as to the respective functions of central and local government, of federal, state and provincial authorities, and of state-owned undertakings and various types of autonomous or semi-autonomous public bodies, as well as to the nature of employment relationships), and

Taking into account the particular problems arising as to the scope of, and definitions for the purpose of, any international instrument; owing to the differences in many countries between private and public employment, as well as the difficulties of interpretation which have arisen in respect of the application of relevant provisions of the Right.

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Information Technology, Communications
and Records Division

18 AUG 2016

FOR THE DIRECTOR OF ITCRD:

ARTEMIO C. DEDIL

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DEPARTMENT OF FOREIGN AFFAIRS

25 JUL 2014

LORRAINE M. ESPIRITU
ACTING DIRECTOR

to Organise and Collective Bargaining Convention, 1949, to public servants, and the observations of the supervisory bodies of the ILO on a number of occasions that some governments have applied these provisions in a manner which excludes large groups of public employees from coverage by that Convention, and

Having decided upon the adoption of certain proposals with regard to freedom of association and procedures for determining conditions of employment in the public service, which is the fifth item on the agenda of the session, and

Having determined that these proposals shall take the form of an international Convention,

adopts this twenty-seventh day of June of the year one thousand nine hundred and seventy-eight the following Convention, which may be cited as the Labour Relations (Public Service) Convention, 1978:

PART I. SCOPE AND DEFINITIONS

Article 1

- 1. This Convention applies to all persons employed by public authorities, to the extent that more favourable provisions in other international labour Conventions are not applicable to them.
- 2. The extent to which the guarantees provided for in this Convention shall apply to high-level employees whose functions are normally considered as policy-making or managerial, or to employees whose duties are of a highly confidential nature, shall be determined by national laws or regulations.
- 3. The extent to which the guarantees provided for in this Convention shall apply to the armed forces and the police shall be determined by national laws or regulations.

Article 2

For the purpose of this Convention, the term *public employee* means any person covered by the Convention in accordance with Article 1 thereof.

Article 3

For the purpose of this Convention, the term *public employees' organisation* means any organisation, however composed, the purpose of which is to further and defend the interests of public employees.

PART II. PROTECTION OF THE RIGHT TO ORGANISE

Article 4

- 1. Public employees shall enjoy adequate protection against acts of anti-union discrimination in respect of their employment.

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- 2. Such protection shall apply more particularly in respect of acts calculated to—
 - (a) make the employment of public employees subject to the condition that they shall not join or shall relinquish membership of a public employees' organisation;
 - (b) cause the dismissal of or otherwise prejudice a public employee by reason of membership of a public employees' organisation or because of participation in the normal activities of such an organisation.

Article 5

- 1. Public employees' organisations shall enjoy complete independence from public authorities.
- 2. Public employees' organisations shall enjoy adequate protection against any acts of interference by a public authority in their establishment, functioning or administration.
- 3. In particular, acts which are designed to promote the establishment of public employees' organisations under the domination of a public authority, or to support public employees' organisations by financial or other means, with the object of placing such organisations under the control of a public authority, shall be deemed to constitute acts of interference within the meaning of this Article.

PART III. FACILITIES TO BE AFFORDED TO PUBLIC EMPLOYEES' ORGANISATIONS

Article 6

- 1. Such facilities shall be afforded to the representatives of recognised public employees' organisations as may be appropriate in order to enable them to carry out their functions promptly and efficiently, both during and outside their hours of work.
- 2. The granting of such facilities shall not impair the efficient operation of the administration or service concerned.
- 3. The nature and scope of these facilities shall be determined in accordance with the methods referred to in Article 7 of this Convention, or by other appropriate means.

PART IV. PROCEDURES FOR DETERMINING TERMS AND CONDITIONS OF EMPLOYMENT

Article 7

Measures appropriate to national conditions shall be taken, where necessary, to encourage and promote the full development and utilisation of machinery for negotiation of terms and conditions of employment between the public authorities concerned and public employees' organisations, or of such other methods as will allow representatives of public employees to participate in the determination of these matters.

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PART V. SETTLEMENT OF DISPUTES

Article 8

The settlement of disputes arising in connection with the determination of terms and conditions of employment shall be sought, as may be appropriate to national conditions, through negotiation between the parties or through independent and impartial machinery, such as mediation, conciliation and arbitration, established in such a manner as to ensure the confidence of the parties involved.

PART VI. CIVIL AND POLITICAL RIGHTS

Article 9

Public employees shall have, as other workers, the civil and political rights which are essential for the normal exercise of freedom of association, subject only to the obligations arising from their status and the nature of their functions.

PART VII. FINAL PROVISIONS

Article 10

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

Article 11

- 1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Director-General.
- 2. It shall come into force twelve months after the date on which the ratifications of two Members have been registered with the Director-General.
- 3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratification has been registered.

Article 12

- 1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.
- 2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this

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ACTING DIRECTOR

Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

Article 13

- 1. The Director-General of the International Labour Office shall notify all Members of the International Labour Organisation of the registration of all ratifications and denunciations communicated to him by the Members of the Organisation.
- 2. When notifying the Members of the Organisation of the registration of the second ratification communicated to him, the Director-General shall draw the attention of the Members of the Organisation to the date upon which the Convention will come into force.

Article 14

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations full particulars of all ratifications and acts of denunciation registered by him in accordance with the provisions of the preceding Articles.

Article 15

At such times as it may consider necessary the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall examine the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article 16

- 1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides:
 - (a) the ratification by a Member of the new revising Convention shall ipso jure involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 12 above, if and when the new revising Convention shall have come into force;
 - (b) as from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.
- 2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Article 17

The English and French versions of the text of this Convention are equally authoritative.

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ACTING DIRECTOR



CERTIFICATE OF CONCURRENCE

This is to certify that the CIVIL SERVICE COMMISSION has been consulted and has concurred with the ratification of the International Labor Organization Convention No. 151 (Labour Relations [Public Service] No. 150, 1978).

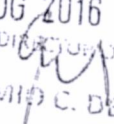

FRANCISCO T. DUQUE III
Chairman


ROBERT S. MARTINEZ
Commissioner

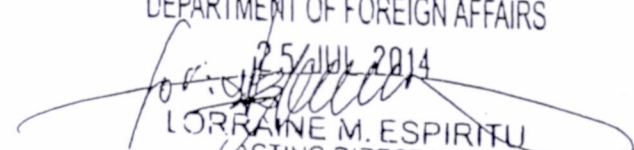

NIEVES L. OSORIO
Commissioner

April 7, 2014

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Republic of the Philippines
DEPARTMENT OF LABOR AND EMPLOYMENT
Intramuros, Manila

CERTIFICATION OF CONCURRENCE

This is to certify that the DEPARTMENT OF LABOR AND EMPLOYMENT has been consulted and has concurred with the request of action on the ratification of Labour Relations (Public Service) Convention, 1978 (No. 151).

26 June 2014


ROSALINDA DIMAPILIS-BALDOZ
Secretary

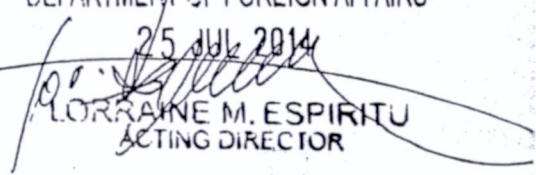
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