Voluntary Code of Good Practices on DECENT WORK+
in the Banana Industry in Region 11
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VOLUNTARY CODE OF GOOD PRACTICES ON DECENT WORK+ IN THE BANANA INDUSTRY IN REGION 11

Introduction

The banana industry is an economically significant driver and key employment generator in the Philippines, particularly in Region XI, recognized worldwide for its capacity to provide decent and productive jobs on a sustained basis, and for enabling government, businesses and institutions to achieve higher productivity and competitiveness.

The Philippines is one of the largest producers of bananas in the world and the second largest exporter of Cavendish banana.

The banana Industry’s contribution to employment in Region 11 and other regions in Mindanao are at 240,000 workers at the ratio of 4 workers per hectare. Around 1.4 million persons, workers and their immediate families are directly and indirectly dependent on the banana industry.

In terms of the industry’s contribution to government revenues, the industry’s annual average tax payments is at ₱832,440,000, plus ₱916,560,000.00 of local taxes from banana suppliers and contractors.

In the 2010 Project JobsFit National Employment Summit, agribusiness was one of the key employment generators identified. In Mindanao there are 60,000 hectares planted to Cavendish banana for export.

Implicit in the recognition of the significance of the industry in the nation’s development is the assumption that the industry’s workforce also benefits from the gains of the industry in an integrated and sustainable framework which best sums up the aspirations of the workers and their families: the Decent Work Agenda.

This framework allows and ensures that every Filipino worker is provided an opportunity to obtain a decent and productive job under conditions of freedom, equity, security and human dignity, anchored on the four pillars of rights at work, employment, social protection and social dialogue.

Preamble

In pursuance of the above, we, the tripartite partners, representatives of the banana industry in Mindanao, and of the labor sector, as well as of the government, represented herein by the Department of Labor and Employment-as the lead agency, recognizing the strategic role of the industry in national development and in advancing the country’s competitiveness in the global marketplace;

Recognizing the imperative of sustainable economic development through tripartism, social partnership and dialogue, after having agreed to organize ourselves into the Banana Industry Tripartite Council (BITC) for Region 11;

Acting on our responsibility as employers, individual/cooperative growers, workers and government to promote Decent Work+ in the workplace and to make our business more socially responsive;

Have, after due deliberation, agreed to the following terms and conditions of the aforementioned Voluntary Code of Good Practices on Decent Work+ in the Banana Industry in Region 11:
Objectives of the Voluntary Code of Good Practices on Decent Work+

1. To promote and advance the concept of social partnership as the framework for sustainable and beneficial labor and management relations in the industry that ensures job creation, employment preservation, productivity improvement, employment security, employee welfare and corporate social responsibility;

2. To provide moral, practical and legal bases for equal employment opportunities for women, youth, elderly, indigenous people and differently-abled persons without compromising quality of service delivery;

3. To promote good agricultural systems for production of quality local and export banana that considers food safety, environmental and workers’ protection and animal welfare;

4. To provide a guiding set of principles and standards that will govern the operations of the Banana Industry Tripartite Council (BITC) in its pursuit of industrial peace, productivity, competitiveness, and compliance with labor and social standards.

5. To promulgate good practice guidelines in the banana industry and its key stakeholders relative to employment creation, conditions of work, labor and management relations, corporate citizenship and human resource development.

In particular, we are committed and bound ethically to the following specific and Voluntary Code of Conduct on Decent Work+.

Definition of Terms

Audit Research Monitoring Documentation Committee – special committee formed by BITC, responsible in monitoring the implementation of this Voluntary Code of Good Practices and render a quarterly update on the status of its implementation during the Regional Tripartite Council meetings.

Banana Industry Tripartite Council (BITC) – a forum for tripartite advisement and consultation among labor, employer, growers, buyers, exporters and government sector in the formulation and implementation of labor and social policies in the banana industry (D.O. 08-95).

Basic Labor Standards – the minimum requirement prescribed by existing law, rules and regulations pertaining to wages, hours of work, allowances and other monetary and welfare benefits, including those set by occupational, safety and health standards. Basic Labor standards includes the basic rights of workers; (1) security of tenure, (2) hours of work, (3) weekly rest periods, (4) wage and wage–related benefits, (5) payment of wages, (6) employment of women, (7) employment of young workers, (8) safe and healthful conditions of work and welfare services, (9) self-organization and collective bargaining, (10) labor education, (11) peaceful concerted activities in accordance with law, (12) participation in policy and decision-making processes affecting their
rights and benefits, (13) free access to the courts and quasi-judicial bodies and speedy disposition of their cases, (14) ECC Benefits for work-related contingencies, and (15) SSS Benefits.

**Bayanihan system** - is a Filipino term taken from the word bayan, referring to a nation, town or community. The whole term bayanihan refers to a spirit of communal unity or effort to achieve a particular objective.

**Big Brother** – corporate growers or buyers trading goods and/or services to smaller firms, suppliers and growers.

**Conditions of Work** - refer to terms and circumstances affecting the employment of an employee, including policies, programs, and regulations governing his employment status, work, and work relationships. Under the Labor Code, this is categorized into three; 1) working time, rest periods, holidays, service incentives and service charges, 2) wages 3) conditions for special groups of employees.

**Corporate Citizenship** - Corporate Citizenship (CC) is a business principle and practice that delivers business’ long-term interests alongside the development of communities, the protection and sustainability of the environment, and the improvement of the people’s quality of life.

**Decent Work+ Agenda** - work that can pave the way for broader social and economic advancement, strengthening individuals, their families and communities. Such progress, however, hinges on work that is decent. Decent Work+ sums up the aspirations of a people in their working lives.

Putting the Decent Work+ Agenda into practice is achieved through the implementation of the ILO’s four strategic objectives, with gender equality as a crosscutting objective: (1) Creating Jobs, (2) Guaranteeing rights at work, (3) Extending social protection, (4) Promoting social dialogue.

**Family Welfare Program** – seeks to promote and protect the welfare of workers and their families thru the integration of family welfare concerns at the workplace nationwide, whether organized or unorganized. The Family Welfare Program is mandatory to establishments with 200 and above employees with ten dimensions to be observed; (1) reproductive health or responsible parenthood, (2) education or gender equality, (3) spirituality or value formation,(4) income generation , livelihood or cooperative,(5) medical health care, (6) nutrition,(7) environmental protection, hygiene and sanitation, (8) sport and leisure, (9) housing, and (10) transportation.(D.O. 56-03)

**Good Agricultural Practices** -are practices that address environmental, economic and social sustainability for on-farm processes, and result in safe and quality food and non-food agricultural products. (FAO COAG 2003 GAP paper) The four 'pillars' of GAP are the following: economic viability, environmental sustainability, social acceptability and food safety and quality.

**Green Jobs** – defined as positions in agricultural, manufacturing, research and development, administrative, and service activities aimed at alleviating the myriad environmental threats faced by humanity. Specifically, but not exclusively, this includes jobs that help to protect and restore ecosystems and biodiversity, reduce energy, materials, and water consumption through high efficiency and avoidance strategies, de-carbonize the economy, and minimize or altogether avoid generation of all forms of waste and pollution. (Green Jobs: towards sustainable work in a low-carbon world by UNEP, ILO, and ITUC)
Help-outs – refer to immediate and extended family members commonly engaged by Agrarian Reform Beneficiaries, who work with their individually managed banana farms usually of 1 hectare and below.

ITC – Industry Tripartite Council is composed of labor, management/growers and government representatives who will serve as a forum for tripartite advisement and consultation in the formulation and implementation of labor and social policies. (D.O. 8, Series of 1995)

KAPATIRAN SYSTEM – is a big brother helping small brother in promoting mutual economic development and culture in adherence to basic Labor and OSH Standards.

Labor Management and Government Academy – defined as the capacity building mechanism that will provide continuing education for the stakeholders of the industry to transfer knowledge, skills and insights on important labor and social issues.

Labor Management Cooperation - A participative or cooperative practice in an enterprise wherein workers are given an opportunity to participate or involve in decision-making through their representative(s) in the Labor Management Council both in the unionized and non-unionized establishments. (Labor Relations and Human Productivity Module, DOLE).

Labor Management Relations- a mechanism by which the terms and conditions of employment are negotiated, adjusted and enforced and interactions and processes on how rights and duties are exercised, how agreements are reached, and how workplace relationship is enhanced.

Legitimate Outsourcing – refers to an arrangement whereby a principal agrees to put out or farm out with a contractor or subcontractor duly registered under D.O.18-02, for the performance and completion of a specific job, work or service within a definite or predetermined period, regardless of whether such job, work, service is to be performed or completed within or outside the premises of the principal, such that failure to register gives rise to the presumption that the contractor or subcontractor is engaged in labor-only contracting (Sec.4a and Sec. 11, D.O. 18-02)

Management Prerogatives – refers to the rights of an employer to regulate all aspects of employment, such as the freedom to prescribe work assignments, working methods, processes to be followed, regulation regarding transfer of employees, supervision of their work, lay-off and discipline, and dismissal and recall of workers (Baybay Water District VS. COA 2002).

Occupational Safety and Health Standards – are mandatory rules and standards set and enforced to eliminate or reduce occupational safety and health hazards in the workplace.

Organic Agriculture – is a holistic production system which emphasizes the use of agronomic, mechanical and biological methods to enhance the whole farm ecosystem.

Philjob.net – is an online or internet-based job matching facility owned and operated by the Department of Labor and Employment.

Pole vaulting – is the illegal act or practice of selling, buying, exporting or trading of bananas between and among persons and/or companies who are not parties to the contract and in breach of the same.
Small Brother – is an individual or group of individuals engaged in business with big brothers as service provider, job contractor or banana grower.

Social Accountability or SA 8000 – is an international standard setting the voluntary requirements to be met by employers in the workplace, including worker’s rights, workplace conditions, and management systems. The normative elements of this standard are based on national law, international human rights norms and the conventions of the ILO.

Social dialogue- means all forms of negotiation, consultation or simply an exchange of information and views between and among representatives of employers, workers, governments and other social partners. (ILO)

Tripartism- is the participation on an equal footing of workers’, employers’ and government representatives in the decisions that affect them (Nicolas Valticos; International Labour Law).

Unorganized Establishment- refers to any establishment where there is no certified bargaining agent.

Components of Voluntary Code of Good Practices

1. Conditions of Work

1.1 We shall promote a culture of compliance with basic labor standards among key players in the industry;

1.1.1 We shall promote and respect the rights of working women to ensure their health, safety and their general welfare;

1.1.2 We shall encourage giving social protection to help-outs;

1.1.3 We shall abide with the provisions of Anti-Sexual Harassment Act (RA 7877), Philippine AIDS Prevention and Control Act (RA 8504), Comprehensive Dangerous Drugs Act of 2002 (RA 9165) with Department Order 53-03 Guidelines in the Implementation of Drug Free Workplace Policies and Programs for the Private Sector, D.O. 73-05 Managing Tuberculosis in the Workplace and other appropriate national policies and its continuing advocacy to all employees and management.

1.2 We recognize and value Philippine labor laws on security of tenure, as well as procedural and substantive due process in the termination or dismissal of employees, and for this purpose, we shall adhere with the following principles:

1.2.1 That the worker’s security of tenure is guaranteed by the Constitution and the Labor Code. Under the security of tenure guarantee, our employees will only be terminated from his/her employment for substantial cause and after due process. For a valid termination by the employer the dismissal on substantial grounds must be for a just cause as provided in Article 282, or for any of the authorized causes under Articles 283 of the Labor Code;

1.2.2 In termination proceedings of employees for just cause under Article 282, procedural due process consists of the twin requirements of notice and
hearing. The employees will be furnished with two written notices before the termination of employment can be effected: (1) the first apprises the employee of the particular acts or omissions for which his dismissal is sought, while giving the employee a chance to be heard; and (2) the second informs the employee of the employer’s decision about the case in issue;

1.2.3 In termination proceedings of employees for authorized cause under Article 283, procedural due process consists of the following requisites: (1) written notice served on both the employees and the DOLE at least one month prior to the intended date of termination of employment; (2) payment of separation pay or otherwise as provided under Article 283 of the Labor Code; and (3) good faith on the part of the employer. If the authorized cause is retrenchment, the employer needs to show good faith in exercising its prerogative to retrench by using fair and reasonable criteria in ascertaining who would be retrenched or retained. If the cause is redundancy, the good faith should be shown by the employer in using fair and reasonable criteria in ascertaining what positions are to be declared redundant and accordingly abolished. For purposes of this Code, retrenchment is defined as the termination of employment initiated by the employer through no fault of and without prejudice to the employees. It is resorted to during periods of business recession, industrial depression, seasonal fluctuations, or during lulls occasioned by lack of orders, shortage of materials, conversion of the plant to a new production program, or automation. It is a management prerogative resorted to avoid or minimize business losses. On the other hand, redundancy exists when the service capability of the workforce is in excess of what is reasonably needed to meet the demands of the enterprise. A redundant position is one rendered superfluous by any number of factors, such as over hiring of workers, decreased volume of business, dropping of a particular product line previously manufactured by the company, or phasing out of a service activity previously undertaken by the business. Under these conditions, the employer has no legal obligation to keep in its payroll more employees than are necessary for the operation of its business.

1.2.4 In the case of probationary employees, added to the just causes for severing employment under Article 282 is his failure to qualify as a regular employee in accordance with reasonable standards made known by the employer to the employee at the time of his engagement. Further, we abide by the law that a probationary employee who is allowed to work beyond his probationary period of employment of at least six (6) months shall be considered a regular employee.

1.2.5 In the case of project, fixed-period, casual and seasonal employment, we adhere with the Labor Code provision and implementing rules and regulations of the same, as well as the applicable
jurisprudence, in the termination of employment of these types of employees. We recognize that the due process requirement in the case of these types of employees are different, considering that in the case of project employees, where termination is brought about by the completion of the project or any phase thereof, due process is complied with even if no prior notice of termination is served; secondly, in the case of fixed-period employees, no prior notice of termination is likewise required, it being a case of expiration of the term of the contract; thirdly, in the case of seasonal employees, where the work to be performed is seasonal in nature and the employment is for the duration of the season, no prior notice of termination is likewise required; and, lastly, in the case of casual employment, where the job, work, or service to be performed is merely incidental to the nature of business of the employer, and such job, work, or service is for a definite period made known to the employee at the time of his engagement, no prior notice is likewise required.

1.3 We shall recognize the uniqueness and factual existence of multi-dimensional production and employment relationships within the banana industry, all within the framework of the Labor Code and existing rules and regulations, particularly among and between individual growers, cooperatives, associations and corporations to promote dynamic, healthy, and sustainable economic relationships among key players of the industry;

1.4 We shall promote over the long term, the adoption by the banana industry of the standards and principles of SA 8000 particularly as they apply to basic labor standards on child labor, forced and compulsory labor, health and safety, freedom of association and right to collective bargaining, discrimination, disciplinary practices, working hours, remuneration, and management systems.

1.5 We shall recognize occupational safety and health as a critical factor in workers’ productivity and firm competitiveness, and for this purpose, we shall:

1.5.1 Formulate an occupational health and safety policy and program to address all safety and health concerns in workplaces and worksites in the industry, in accordance with the Occupational Safety and Health Standards (OSHS) and other related OSH issuances;

1.5.2 Organize safety and health committees in our respective companies, and encourage the training and accreditation of safety practitioners and advocates among our workforce;

1.5.3 Constructively engage the Department of Labor and Employment, the Occupational Safety and Health Centre, and other safety organizations to implement occupational safety and health programs.
1.6 We shall collaborate and network with the Family Welfare Federation of Davao Region to benchmark and learn good practices in Family Welfare Program as mandated by Department Order 56-03, to benefit our employees and their families.

1.7 We shall promote the adoption of profit sharing scheme to all regular and non-regular workers.

1.8 We recognize the vital role of Banana Industry Tripartite Council (BITC) in identifying labor governance area that needs reform;

1.9 We shall to the fullest extent, refrain from retrenching or laying-off people during times of economic downturn and energy crisis, and shall apply job preservation measures, such as job rotation, compressed workweek and other flexible work arrangements.

1.10 Without prejudice to our exercise of well-established management prerogatives in the running of the enterprise including the power to discipline and severe the employment relationship, we shall apply the law and jurisprudence on substantive and procedural due process;

2. Labor Management Relations

2.1 We shall organize and strengthen labor and management council to constantly be on the lookout for emerging good practices in labor management relations, human resource development, occupational safety and health, and other fields related to labor relations and basic labor standards, and study them for possible application in the banana industry.

2.2 We, the banana growers and exporters, respect the workers’ constitutional rights to self-organization, collective bargaining, right to strike and exercise maximum restraint in declaring lock-outs against the workers;

2.3 We, as workers, recognize the lawful exercise of management prerogatives and shall exercise maximum restraint in declaring or staging any strike or work slowdown or other forms of work stoppages until we have exhausted all available voluntary modes of dispute settlement, including conciliation-mediation and voluntary arbitration.

2.4 We, as social partners at the BITC, shall exhaust all possible mechanisms, remedies and strategies in settling disputes including acting as conciliator, mediator or voluntary arbitrator;

2.5 We shall develop a dedicated corps of voluntary arbitrators specially trained and mandated, to take cognizance and resolve issues and disputes related to employment in the industry,

2.6 We shall promote the adoption by local government units of the Early Warning System Project of the National Conciliation Mediation Board of Region XI, which is a two way anticipative mechanism for warning or forecasting the development of a labor dispute.
2.7 We view Labor Management Cooperation as essential to the success of our business enterprises and shall cooperate with the Department of Labor and Employment (DOLE) and its attached agencies in the introduction of the concept and practice of Labor Management Cooperation to unorganized establishments in the banana industry in Region 11;

2.8 We consider the labor education program of the Department of Labor and Employment, National Conciliation and Mediation Board and other government agencies as a vital tool for effective labor-management relations, and for this purpose:

2.8.1 We shall promote the organization of volunteer labor educators from the Banana Industry Tripartite Council (BITC);

2.8.2 We shall require at least eight (8) hours of training and/or seminar per year on labor relations and other labor governance issues among management, growers and rank and file workers in coordination with partner institutions;

2.9 We commit to participate in the awareness raising campaigns on HIV/AIDS, dangerous drugs, tuberculosis, dengue and malaria, and other public health risks at our workplaces, over and above our legal obligation to provide medical and dental, and other services as prescribed by the Labor Code. We shall also tap accredited NGOs and other partner agencies which can give awareness on domestic violence, gender sensitivity training and to intensify dissemination of the law on anti-sexual harassment.

3. Corporate Citizenship

3.1 We are committed to apply our corporate social responsibility to benefit underprivileged communities around our worksites as well as in areas identified by the local and national government agencies as needing our assistance.

3.2 We shall promote the adoption of social partnership models, not limited to ‘Kapatiran System’ (Big brother and Small brother concept) or ‘Bayanihan System’, wherein, the big brother and small brother become social and economic partners in the enforcement of labor standards while nurturing mutual growth and development of the industry.

3.3 We shall promote and practice transparency in our transactions between and among ourselves and with national and local governments, without prejudice to the protection of trade and industry secrets, and to resist anomalous and corrupt transactions.

3.4 We shall promote the creation of green jobs in our industry that contribute substantially to the preservation or restoration of environmental quality through:

3.4.1 Engaging our employees and their families, suppliers, our immediate communities and our stakeholders in a campaign to conserve and efficiently use energy, materials and water consumption at the workplace, in our communities and in our individual homes;
3.4.2 Participating in campaigns and activities initiated by government or civil society which are designed to improve the quality of our environment; and,

3.4.3 Allowing education and awareness campaigns on environmental preservation in our company premises, whenever operational requirements allow it.

3.5 We commit to the application of good agricultural practices as defined in the Philippine GAP subscribing to the United Nation Food and Agriculture Organization standards;

3.6 We recognize that organic agriculture is a viable alternative as a holistic production system which emphasizes the use of agronomic, mechanical and biological methods to enhance the whole farm ecosystem. Thus, synthetic fertilizers, pesticides, other farms inputs and farm practices including genetically-modified organisms banned by government will never be used while the use of essential chemicals approved by the Fertilizer and Pesticide Authority must be judiciously done in accordance to established health and occupational safety procedures;

3.7 “Pole vaulting” undermines the rule of law and obligation of contract, and is a threat to the global reputation of Philippine bananas: therefore, we condemn it in the strongest possible terms. For this purpose, we shall actively discourage our members from engaging in it, and promote the promulgation of local ordinance and national legislation to prevent and penalize pole-vaulting;

3.8 We dedicate ourselves to the principle of tripartism and social dialogue and to using the mechanism of the Banana Industry Tripartite Council in Davao Region, to address various economic, social and labor issues affecting the industry as a whole. To achieve the said objective, we commit to convene at least once every quarter at a venue agreed upon and rotating among the members, and the agenda to be jointly developed beforehand.

3.9 We support every initiative that creates decent and productive jobs for the unemployed and the vulnerable sectors of our society.

3.4 We commit to perform our obligations under the Social Security System, PAG-IBIG and Phil Health to enable our employees to fully enjoy their benefits in the event of contingency.

4. Human Resource Development

4.1 We shall support the establishment of Labor Management and Government Academy which will empower and build the capabilities of BITC members on initiatives and interventions related to various elements of labor governance, self-regulation as a mode of labor governance, and the dimensions of the Decent Work+ Agenda.

4.2 We shall collaborate with government training authorities in implementation of training programs to promote employment and improve the quality of the labor pool, produce and sponsor second-liners through our
developmental programs like scholarship, trainings, livelihood grants and other human resource and community development programs;

4.2.1 Support employer, worker and government initiatives in enhancing skills of workers and their employability;

4.2.2 Ensure provision of livelihood trainings and/income augmentation programs and skills training but not limited to retirement planning, budget management and thrift-savings mobilization;

4.2.3 Campaign among our employees for savings consciousness and wise investment decisions so they may enjoy a degree of financial independence;

4.3 We shall register job vacancies and unemployed agriculture graduates and other agri-related professionals to the Philjob.net in order to provide the unemployed with opportunities to work in the banana industry;

4.4 We shall collaborate with national and local government in improving the supply and quality of our skilled workers, and for this purpose, involve ourselves actively in any government program and initiative aimed at making the labor market more efficient and improving the quality of the region’s labor pool, including but not limited to participating in skills registration, jobs fairs, labor market surveys and other government-initiated activity;

5. SPECIAL PROVISIONS.

5.1 If any portion or provision of this Code is declared void or inconsistent with existing laws and regulations, the remaining portions or provisions hereof shall not be affected by such declaration.

5.2 Nothing in this Code shall be construed to authorize the Council or any of its members to stipulate working terms and conditions for workers in the banana industry that are inferior or below the minimum standards set by law, unless later authorized by statute, nor shall any of its provisions operate to diminish or remove existing benefits enjoyed by workers.

5.3 Except as may be provided in this Code, nothing herein shall impose an obligation on any signatory that is over and beyond those prescribed by the existing laws.

5.4 Any amendment to this Code shall require the vote of at least two-thirds (2/3) of the BITC member signatories.

5.5 The BITC together with DOLE, NCMB, DAR, DA, CDA, DTI and other government agencies shall formulate and issue implementing rules and regulations necessary for the implementation of this Code within one month but not more than 6 months from approval thereof.

5.6 This Code shall take effect immediately upon approval of the Banana Industry Tripartite Council and shall remain in force until two years thereafter.
6. **Achieving Code Objectives Through the BITC**

This Code of Good Practices is voluntary, adopted by the organization to maintain the standards laid down by themselves.

Voluntary codes of conduct are of little use if they are not backed up by an independent system of monitoring and verification, so for monitoring purposes, the BITC compose of the labor, management and government representatives shall form an Audit, Research, Monitoring and Documentation Committee (ARMDC) who will monitor the implementation of this code and render a quarterly update on the implementation of this code during the Regional Industry Tripartite Council (ITC) quarterly meetings.

The Banana Industry Tripartite Council (BITC) shall, through consultation and consensus, continuously formulate strategies and initiatives to enable the signatories to achieve the objectives laid down in this Code.

IN WITNESS WHEREOF, we have hereunto affixed our signatures this 20th day of December 2010 at Davao City, Philippines.

ALEXANDER N. VALORIA  
President  
Pilipino Banana Growers Exporters Association

JESSIE N. PAGARAN  
VP for Southern Mindanao  
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VOLUNTARY CODE OF GOOD PRACTICES ON DECENT WORK+
IN THE BANANA INDUSTRY IN REGION 11

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Regional Director, DOLE XI  
Chairperson, Banana ITC

WITNESSED BY:

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