



# **KATIPUNANG MANGGAGAWANG PILIPINO**

**(TRADE UNION CONGRESS OF THE PHILIPPINES)**

**Unit 601, 6/F Marbella II, Malate, Manila, 1002 PHILIPPINES**

*An affiliate of the International Trade Union Confederation (ITUC) and ITUC Asia Pacific*

15 November 2013

**HIS EXCELLENCY**

**PRESIDENT BENIGNO SIMEON C. AQUINO III**

Republic of the Philippines  
Malacanan Palace,  
San Miguel, Manila

Your Excellency:

I write today to alert you to the serious situation faced by the International Labour Organisation (ILO).

The Employers' Group in the Committee on Application of Standards precipitated a crisis by challenging the independence of the long-established and authoritative Committee of Experts on the Application of Conventions and Recommendations (CEACR), a group of highly qualified persons, vetted and appointed through the tripartite Governing Body of the ILO.

Since June 2012, there have been a number of discussions in the ILO Governing Body, 'informal discussions' with Experts and tripartite consultations. The Swiss Government facilitated, to no avail, an attempt to reach a consensus on a way forward.

To date, the Employers have not fundamentally altered their position. The Employers simply refuse to defer to the observations of the Experts, while at the same time refusing to avail themselves of the judicial means available under the ILO constitution to challenge those observations, which creates great instability for the entire ILO supervisory system. While not binding, as only the International Court of Justice can issue a legally binding interpretation of a Convention under the ILO Constitution, the work of the supervisory system, particularly the ILO Committee of Experts, is recognized as having persuasive validity and should stand in the absence of higher authority.

Instead, they continue to insist that the Experts' reports state clearly that they have not been approved by the tripartite constituents. This is part of their effort to put the political bodies, rather than independent experts, in charge of interpreting the conventions. The Employers do not find that the existing, detailed statement of the Experts' mandate already found in the reports is sufficiently clear and thus want a "clarification", "Statement of Truth", or "disclaimer" which defines to the Employers' Group satisfaction the mandate of the Committee of Experts and the legal status of their opinions.

The effective cornerstone of the ILO for many decades, its Supervisory System, is under threat.

Your Excellency, the ILO was founded by governments with the foresight to provide a unique and tripartite forum where labour matters and concerns could be discussed in a mature and respectful context and balances between diverging interests sought.

Without it, workers are left without this important recourse to justice and fairness.

I urge you to make your support for the ILO and its Supervisory System known to the social partners of our country.

Sincerely,

**ERNESTO F. HERRERA, Ph.D.**

President and Former Senator

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SOLIDARITY  
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