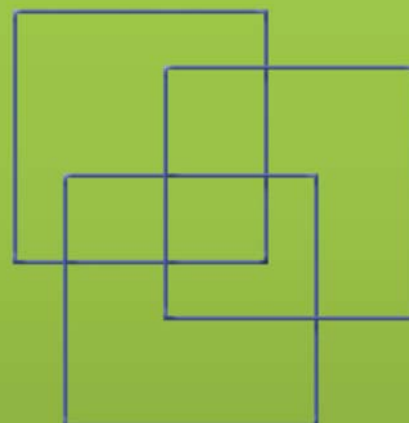




Report of the Sixth Regional Seminar on Industrial Relations in the ASEAN Region

26-27 February 2014
Chiba, Japan



ASEAN-ILO/Japan Industrial Relations Project

ILO Regional Office for Asia and the Pacific

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Foreword

Japan's Ministry of Health, Labour and Welfare provided funds for the ASEAN–ILO/Japan Project on Industrial Relations-AIJPIR (2012–14), with an overarching theme of Building Better Industrial Relations for ASEAN Integration. The Association of Southeast Asian Nations (ASEAN) Secretariat and the International Labour Organization (ILO) are jointly implementing the project to bring together representatives of governments and workers' and employers' organizations.

An important element of this project is a series of seminars, which have provided a forum for a robust exchange of views on good practices and industrial relations policies among the tripartite constituents of ASEAN countries. The first seminar, conducted in 2009, focused on social dialogue and collective bargaining trends in ASEAN Member States. The second seminar, in February 2010, looked at the use of social dialogue and collective bargaining in formulating national policy against the backdrop of the global financial crisis. The third seminar, in November 2010, provided opportunities for ASEAN Member States to discuss and share good industrial relations practices in the context of a legal framework, labour disputes and settlement. The fourth seminar, in February 2013, focused on the mechanism for and the impact of setting a minimum wage and wage guidelines in the context of good industrial relations practices throughout Asia. The fifth seminar, in February 2014, emphasized social dialogue and labour law reform.

With the continued support from Japan's Ministry of Health, Labour and Welfare and the ASEAN Secretariat, the Sixth Regional Seminar on Industrial Relations in the ASEAN Region on Trends and Good Practices of Collective Bargaining and Dispute Resolution – With Prospects to 2015 ASEAN Integration took place from 26 to 27 February 2014 in Chiba, Japan.

The seminar comprised nine sessions. The seminar started with a special session on the Dissemination of Employment and Labour Measures for Recovering from the Great East Japan Earthquake as International Public Resources. In the opening session, representatives from the ILO, the ASEAN Secretariat and Japan's Ministry of Health, Labour and Welfare delivered welcoming remarks, detailing the rationale and objectives of the seminar as well as relevant points for further deliberation. Session 1 centred on collective bargaining and dispute resolution developments. Session 2 considered building collective bargaining and dispute resolution frameworks and mechanisms, with presentations from delegates for the Lao People's Democratic Republic, Myanmar and Viet Nam. Session 3 was dedicated to the role of conciliation, mediation and arbitration, with presentations from delegates for the Philippines, Singapore and Japan. Session 4 looked at fixing wages and entailed a review of experiences and trends, with presentations from delegates for Cambodia, Indonesia, Malaysia and Thailand. In Session 5, the participants engaged in group discussion (by country), with each group presenting its views regarding two specified themes. Session 6 entailed reports from each group before concluding remarks and discussion of future directions, including possible topics for the next seminar. Session 7 covered knowledge on legislative systems relating to industrial relations. Finally, the seminar closed (with no formal remarks).

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Abbreviations and acronyms

AIJRP	ASEAN-ILO/Japan Industrial Relations project
APINDO	Employers' Association of Indonesia
ASEAN	Association of Southeast Asian Nations
CIRD	Center for Industrial Relations Development
CPI	consumer price index
DOLE	Department of Labor and Employment
ECOP	Employers Confederation of the Philippines
ECOT	Employers' Confederation of Thailand
FFW	Federation of Free Workers
GDP	gross domestic product
ILO	International Labour Organization
ISO	International Organization for Standardisation
JTUC-RENGO	Japanese Trade Union Confederation
KEIDANREN	Japan Business Federation
KSPI/CITU	Confederation of Indonesian Trade Union
LFTU	Lao Federation of Trade Unions
LNCCI	Lao National Chamber of Commerce and Industry
MEF	Malaysian Employers Federation
MHLW	Ministry of Health, Labour and Welfare
MLSW	Ministry of Labour and Social Welfare
MLVT	Ministry of Labour and Vocational Training
MOHR	Ministry of Human Resources
MOL	Ministry of Labour
MOLES	Ministry of Labour, Employment and Social Security
MOLISA	Ministry of Labour, Invalids and Social Affairs
MOM	Ministry of Manpower
MOMT	Ministry of Manpower and Transmigration
MTUC	Malaysian Trades Union Congress
NCMB	National Conciliation and Mediation Board
NGO	non-government organization
NLRC	National Labor Relations Commission
NTUC	National Trades Union Congress
PLWS	productivity-linked wage system
SENA	single entry approach
SNEF	Singapore National Employers Federation
UMCCI	Union of Myanmar Chamber of Commerce and Industry
VCCI	Viet Nam Chamber of Commerce and Industry
VGCL	Viet Nam General Confederation of Labour

1. Welcome and opening remarks

Mr Shunichi Uemura, Deputy Director, ILO Office in Japan

Mr Uemura welcomed the participants and thanked the Ministry of Health, Labour and Welfare of Japan and the Association of Southeast Asian Nations (ASEAN) Secretariat for supporting the International Labour Organization in its endeavours to bring constituents together on a tripartite basis to share information, experiences and lesson learned on various areas of mutual interest. He noted that previous ASEAN tripartite seminars had focused on the role of social dialogue in addressing the financial crisis (Kuala Lumpur, January 2010); the legal framework for dispute resolution (Manila, November 2010); minimum wage fixing (Bangkok, February 2012); and tripartite involvement in labour law reform and the employment relationship (Hanoi, February 2013). These seminars have proven to be a valuable opportunity to share country experiences and for participants to ask questions and gain a deeper understanding of developments in neighbouring countries.

Mr Uemura stressed the significance of ASEAN integration by 2015 and the need for policy-makers, academics and the general public to understand its implications. He is convinced of the need to strengthen the traditional areas of industrial relations, such as collective bargaining and dispute resolution, to realize an ASEAN Community that is economically integrated effective facilitation for the movement of professionals, talent and labour.

In recent years, the ASEAN–ILO/Japan Industrial Relations Project has provided support for follow-up meetings at a national level to deepen the discussion on the topics of the regional seminars. For example, two national meetings on minimum wage fixing and employment relationships, including outsourcing and employment contracts, were conducted in Indonesia to strengthen cooperation and enhance a series of dialogues.

In closing, Mr Uemura highlighted the participation of the tripartite delegation from Myanmar. Additionally, he noted that the seminar has provided good opportunity for the tripartite constituents to exchange their experiences and good practices, which will improve everyone's knowledge about legal frameworks and thus enhance national capacities to engage in collective bargaining and dispute resolution.

Ms Mega Irena, Assistant Director and Head, Social Welfare, Women, Labour and Migrant Workers Division, ASEAN Secretariat

Ms Irena opened her remarks with the observation that the ASEAN–ILO/Japan Industrial Relations Project has been successful in achieving its objective to promote cooperation and networking among the tripartite partners in ASEAN Member States. She explained that collective bargaining and dispute resolution are key elements of the project's final year. This theme should encourage all parties to promote a stronger labour environment for sustaining economic development and growth. She also cited the benefits to come from the ongoing research on industrial relations issues in the region. She stressed the importance of ASEAN integration and the ASEAN Guidelines on Good Industrial Relations Practices¹ that were adopted by the ASEAN labour ministers in 2010 as well as the ASEAN Charter on Settlement of Disputes.²

¹ The ASEAN Secretariat: *ASEAN Guidelines on Good Industrial Relations Practices* (Jakarta, 2012).

² The ASEAN Secretariat: *The ASEAN Charter* (Jakarta, 2008), pp. 23–25.

Mr Akira Isawa, Assistant Minister for International Affairs, Ministry of Health, Labour and Welfare, Japan

Mr Isawa stressed the importance of this seminar, noting that its theme relates to helping settle labour disputes and establish sound labour-management relations and that all parties should make efforts to resolve and prevent industrial disputes. He expressed the hope that the participants will learn about different tripartite practices and processes that contribute to the continuous capacity building among partners.

2. Introduction: The Sixth Regional Seminar

The Sixth Regional Seminar of the ASEAN–ILO/Japan Industrial Relations Project was conducted on 26–27 February 2014 in Chiba, Japan to discuss the theme of Trends and Good Practices of Collective Bargaining and Dispute Resolution – With Prospects to 2015 ASEAN Integration.

The seminar was conducted with the following two objectives:

- governments and social partners to exchange experiences in building a foundation of sound industrial relations, their legal and regulatory framework and their process for amending it; and
- provide valuable lessons through that exchange for countries undergoing or planning to undergo legislative reform of their industrial relations environment.

The two-day seminar was hosted by the Ministry of Health, Labour and Welfare of Japan and organized by the ILO/Japan Multi-bilateral Programme of the Regional Office for Asia and the Pacific (RO-Asia and the Pacific) in Bangkok, in collaboration with the ASEAN Secretariat.

The seminar was attended by representatives of government and workers' and employers' organizations from Cambodia, Indonesia, Japan, the Lao People's Democratic Republic, Malaysia, Myanmar, the Philippines, Singapore, Thailand and Viet Nam.

3. Overview of collective bargaining and dispute resolution developments in the region

Presenter: Mr John Ritchotte, Specialist on Labour Relations and Labour Administration, ILO DWT for East and South-East Asia and the Pacific

Mr Ritchotte began his overview by summarizing how many countries in Asia are facing similar types of challenges in their: (i) industrial relations and labour disputes; (ii) labour law reform; (iii) social dialogue; (iv) wages and productivity; (v) minimum wage setting; and (vi) employment contracts, termination and outsourcing. These dynamic environment issues have been covered in previous seminars under the ASEAN–ILO/Japan Industrial Relations Project. He then singled out various developments in industrial relations in nine ASEAN countries and the People's Republic of China and Hong Kong (China) as well as the overall development at the ASEAN level. In Indonesia, for example, minimum wage fixing is a complex system that is carried out at the provincial, district and sector levels but it can lead to conflict between workers and employers over the way the wage is implemented.

Mr Ritchotte noted that collective bargaining practices vary widely across the region. The wages in collective agreements are fixed by using the minimum wage as a reference wage. In terms of dispute resolution, only a few cases tend to be resolved at the mediation stage, with most resolved at an industrial relations court. Labour laws now make it difficult to terminate workers' contracts, which is influencing employers' preference to opt for outsourcing.

The Philippines is experiencing a similar problem with its minimum wage, which is actually the average wage. The Government introduced a two-tiered wage system at the sector level by using productivity incentives to increase the minimum wage and is trying to change litigation to a more cooperative system through tripartite industrial peace councils. The Department of Labor and Employment recently issued guidance on outsourcing to regulate the practice of it and clarify the rules for it.

Due to several years' of low wage growth, low productivity growth and low investment, the Government of Malaysia set a goal to become a high-income country by 2020; to address the needed labour market reforms, the Government launched reforms of the employment insurance scheme and the country's labour laws, particularly to modernize employment contracts and termination provisions. The minimum wage was introduced in May 2012.

In Singapore, wages are fixed through a National Wage Council, which is a tripartite body. Gross domestic product and labour productivity growth are used as a general guidance to fix the minimum wage; a wage floor has so far been set for low-wage workers in the cleaning industry.

In Viet Nam, the occurrence of strikes has been decreasing rapidly, by 63 per cent between 2011 and 2013 due to efforts by the Government to improve industrial relations, such as with collective bargaining and a mechanism for dispute resolution. A new Labour Code and a Trade Union Law were adopted recently, both of which emphasize the importance of self-organizing workers' ability to form unions at an enterprise level and to engage in collective bargaining. The Government has also targeted cooperation with the Viet Nam General Confederation of Labour to organize collective bargaining coverage, which should help create a more dynamic labour environment.

Mr Ritchotte pointed out various improvements in industrial relations in Cambodia, such as the establishment of dispute settlement institutions and bipartite agreements on industrial peace in the garment industry that should help reduce the occurrence of strikes and lead to binding arbitration for handling disputes. He emphasized that collective bargaining and wage fixing has been established in the dynamic environments of the garment and the hotel and travel industries.

The Government of the Lao People's Democratic Republic ratified the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144) and subsequently formed a tripartite body for reviewing labour issues, including minimum wage fixing. A new Labour Code soon will be adopted to clarify employment relationships and collective bargaining conditions and to improve the mechanism for dispute resolution that includes cooperation with the Lao Federation of Trade Unions.

There is development in Myanmar, such as a revision of the Labour Law and establishment of trade unions. A Labour Dispute Settlement Law has been enacted, conciliation and arbitration bodies have been formed and a new minimum wage system has been discussed among constituents, with support from the ILO.

At the ASEAN level, Mr Ritchotte noted that ASEAN labour ministers adopted the Work Programme 2010–2015, which includes such industrial relations-related matters as labour justice and labour inspection. The recognition of both types of laws is included in the ASEAN Guidelines on Good Industrial Relations Practices,³ which were developed in collaboration with the ILO.

Mr Ritchotte concluded his presentation with comments about China and Hong Kong (China). The Chinese Government encourages wage growth through minimum wage fixing and collective bargaining and discourages short-term contracts and outsourcing, which are enforced

³ The ASEAN Secretariat: *ASEAN guidelines on good industrial relations practices* (Jakarta, 2012).

by the Employment Contract Law of 2008. In Hong Kong (China), the first national minimum wage was introduced in 2011 to address the problem of low wages, although it excludes domestic workers.

4. Building collective bargaining and dispute resolution in transition countries

4.1 Lao practices in building collective bargaining and solving disputes

Presenters: Mr Phetsavang Sounnalath, Deputy Director General, Department of Labour Management, Ministry of Labour and Social Welfare, Mrs Daovading Phirasayphithak, Chief of Employers' Bureau Activities, Lao National Chamber of Commerce and Industry and Ms Chanphen Maniseng, Head of Division, Lao Federation of Trade Unions

Mr Sounnalath presented a brief overview of the Lao People's Democratic Republic: The country has a population of 6 million people, 57 per cent of whom are of working age, thus there is a total labour force of 3.65 million workers. The economic growth rate was 8.2 per cent in 2013, and gross domestic product per capita, at US\$1,088, relies on the agriculture sector (at 28.4 per cent), the industrial sector (at 25.9 per cent) and the services sector (at 39.3 per cent).

The Government is revising its labour-related laws. In particular, the articles related to labour disputes in the Labour Law (2006) have been revised to ensure that employment disputes are resolved. As well, article 12 of the Lao Trade Union Federation Law (2007), the Prime Minister's Decree on the establishment and functions of the Lao National Chamber of Commerce and Industry, the Ministerial Decree on the establishment of a tripartite committee at the central level and the Ministerial Decree on the function of that tripartite committee have been revised.

Article 11 of the Law on Trade Unions Federation has been revised regarding employees' requests to propose changes to their labour contract concerning collective work or to cancel a contract. And the rights and duties of the grass-roots Federation of Trade Unions in resolving labour conflict, negotiating labour contracts and in promoting labour relations have been established in article 40.

According to the Lao Federation of Trade Unions' strategic plan for 2011–15 on collective bargaining agreements, 350 such agreements had been signed at the enterprise level (both local and foreign investment) that covered 44,536 employees; 188 of the agreements were in the industrial sector, 149 agreements were in the service sector and 13 agreements were in the agriculture sector.

Labour disputes involve the following issues, in order of tendency:

- (1) understanding of the laws;
- (2) social security issues;
- (3) implementation of contracts;
- (4) implementation of factory or business regulations;
- (5) termination of contracts;
- (6) payment of salary and allowances;
- (7) understanding of the minimum wage; and
- (8) working conditions.

There are several approaches to labour dispute resolution, such as direct discussion between employers and representatives of workers, mediation by a tripartite committee at the central level or filing a court case.

Mr Sounnalath noted in conclusion that the revised Labour Law had been adopted by the National Assembly and would be implemented soon and that tripartite committees for handling labour disputes would be established at the provincial level. He also emphasized the importance of building up skill and knowledge capacities within the new committees as well as among the dispute-solving authorities and labour inspectors and educating both employers and employees on the labour laws.

4.2 Overview on the labour dispute resolution system in Myanmar

Presenters: Mr Than Win, Director-General, Department of Labour Relations, Ministry of Labour, Employment and Social Security of Myanmar, Ms Ma Khine Zaw, Managing Director of Earth Industrial Myanmar Co. Ltd, Union of Myanmar Chamber of Commerce and Industry and Mr Phi Thit Wai, General Secretary, Federation of Trade Union Myanmar

Mr Than Win began with an overview of the new and reformed labour-related laws of Myanmar and then elaborated on the Settlement of Labour Dispute Law that was enacted in 2012. The law details a four-stage mechanism of negotiation, conciliation, arbitration and arbitration council, with accompanying rules (issued as the Ministerial Notification of the Ministry of Labour Employment and Social Security). In line with the law, 325 township conciliation bodies, 14 regional and state arbitration bodies and one arbitration council were established by a tripartite system. Under this mechanism, many labour dispute cases have been submitted; most concern cash benefits or unfair dismissal. However, there are difficulties in law enforcement, which now requires an amendment to secure more enforcement efficiency.

The way forward in Myanmar will require:

- (1) extending the size of the department in charge of labour relations to increase its coverage to the township level;
- (2) setting up a dispute resolution mechanism in the special economic zones (in Thilawa, Dawei and Kyaukpadaung cities);
- (3) amending the Settlement of Labour Dispute Law to include the Nay Pyi Taw Council and to add prohibitions and penalties, such as a chapter on collective bargaining agreements;
- (4) issuing fair severance allowance rates in agreement with employers;
- (5) conducting elections for new members of the township conciliation bodies, the region and state arbitration bodies and the arbitration council; and
- (6) amending the Labour Organization Law to focus on such controversial provisions as freedom of association and the right to organize.

In his conclusion, Mr Than Win highlighted a programme on labour law awareness that targets all stakeholders, training courses on social dialogue for the township conciliation body members and tripartite workshops and seminars on industrial relations. He asked for assistance, especially from the ILO, to organize training on these issues and to discuss preparation for ASEAN economic integration.

Ms Ma Khine Zaw, the employers' representative, added that they will work to increase awareness and recognition of labour-related laws and regulations.

4.3 Collective bargaining and dispute settlement in Viet Nam

Presenters: Ms Pham Thi Chung, Center for Industrial Relations Development, Ministry of Labour, Invalids and Social Affairs, Mr Phung Qung Huy, Director, Viet Nam Chamber of Commerce & Industry and Ms Vu Le Thanh, Official, Vietnam General Confederation of Labour

Ms Pham explained that Viet Nam is looking for ways to better promote industrial relations and confront its labour challenges. She agreed with Mr Ritchotte's comment that there are downward trends in the number of labour disputes and strikes, but certainly in the past two years it was brought about by the economic crisis and not by better industrial relations.

She reported that in 2012 the Government revised the Labour Code, adding a chapter on social dialogue in the workplace, collective bargaining and collective bargaining agreements (CBAs). Despite the fact that many enterprise-level CBAs have been concluded and the Labour Code includes a chapter on dispute settlement, there are still a large number of strikes. Inter-agency Strike Task Forces have been established at provincial and/or district level to settle wildcat strikes consisting representatives from different agencies such as Public Security Department, Provincial Federation of Labour, Labour – Invalids and Social Affairs Department, etc. In the past, the inter-agency strike task forces usually put pressures on employers to meet workers' demands. However, they more and more try to have clear distinctions between strikers' demands concerning employers' violations of the labour laws and other demands for better working conditions and wage increase. For the former, the inter-agency strike task forces will ask the employers to comply with the laws, while for the later, they try to act as "mediators" to facilitate and promote the negotiation between the two parties.

In terms of the challenges, she said that workers rely on industrial disputes and wildcat strikes instead of dialogue, negotiation and collective bargaining agreements to resolve their issues. It is thus necessary to find solutions to promote the dialogue, negotiating and collective bargaining channel and the quality of industrial relations.

Ms Pham clarified that the social partners mainly consist of the MOLISA, VGCL, and VCCI. The Government of Vietnam has made significant efforts in recent years, including the establishment of IR-related institutions: the Industrial Relations Committee, the Center for Industrial Relations Development (CIRD) and the National Wage Council, all of which were established by the Prime Minister. CIRD has been enthusiastically contributing to developing sound IR in Vietnam by providing technical advice for law and policy makers, especially in the process of Labour Code and Trade Union Law revisions; and by providing other services to tripartite practitioners at all levels such as researches, training, and publications on IR related topics (IR annual/biannual reports, IR bulletins and IR database); support to development and implementation of provincial Master Plans for Industrial relations Development; and creating and maintaining an industrial relations network (called "IR Net Vietnam").

The Vietnam General Confederation of Labour is the employees' representative organization. It currently operates four pilot programmes on innovation of trade unions and industrial relations in four provinces to improve representational capacity of the trade union and the quality of collective bargaining and to conclude and implement collective bargaining agreements. They are also conducting a training course for trainers in seven agencies.

The Vietnam Chamber of Commerce and Industry is the employers' representative organization. It is conducting a pilot activity in three northern provinces to improve the representative capacity of employers' associations and provides regular workshops on dialogue in the workplace.

As the representative of employers, Mr Phung provided additional comments on the role of the employers' organization with the Government and with trade unions. He remarked that there are similarities in the economic transition occurring in Cambodia, the Lao People's Democratic Republic, Myanmar and Viet Nam. And even though Viet Nam opened its economy a long time

ago, industrial relations development has been slower than the economic development. It is still difficult to include a new chapter relating to an employers' organization or association in the Labour Law. However, the strong network of trade unions achieved the enactment of a new trade union law for local enterprises and foreign investment.

Mr Phung suggested that the ILO should provide technical assistance to developing countries to establish labour market institutions and to develop better industrial relations, particularly arbitration mechanisms.

Regarding the way forward, Ms Pham said that Viet Nam needs a "bottom-up organization" and more trade union activities. Trade unions should do more IR-related work (currently, VGCL is doing two types of work: IR work as an IR actor and non-IR work as a political organization) in order to integrate more into the global economy. Additionally, the country needs public industrial relations services to promote collective bargaining. And most importantly, the country needs to learn from other countries' experiences and practices, especially from Malaysia and Singapore.

Plenary discussion

- A participant from Japan commented that there are difficulties in the implementation of and compliance with the existing legislation in the Lao People's Democratic Republic, Myanmar and Viet Nam. From the perspective of Japanese companies, there is concern about the implementation, applicability and practicality of the new legislation in these three countries. Although a good mechanism and system have been established, there is still a lack of knowledge about and insufficient outcomes from conciliation and arbitration to resolve disputes in a short period. He noted there was a time in Japan in which there were as many disputes between employers and workers as in these three countries. Fortunately, Japan experienced considerable economic growth, and employers began to offer a higher wage while the workers worked harder to increase productivity and competitiveness.
- A participant asked the delegates from the Lao People's Democratic Republic how article 65 of the country's Labour Law is carried out in terms of the prohibition on work stoppage and what has been the impact. One of the delegates responded that there were different perceptions between the provision in the legal documents and the implementation, which created many problems for foreign investors. The Government then revised the law and encouraged law education among workers, especially on the importance of collective bargaining. Work stoppage is prohibited, and employers and workers are to rely on the mechanisms for bargaining in negotiation processes to resolve issues.
- A participant asked the Vietnamese delegate about the meaning of a "bottom-up organization". The delegate explained that traditionally, upper level trade unions need employers' acceptance before they can approach workers to persuade them to join the trade union. This situation makes trade unions depend heavily on the employers. VGCL, which is a monopoly interunion according to the Trade Union Law, has made efforts in creating the grass-roots trade union in a "bottom up approach" to reduce the influence of the employers and to ensure workers' ownership over their own trade union organisation and activities.
- A participant from Cambodia commented that his country opened its labour market rapidly because it was prepared with needed legislation and plans for implementation to confront many of its recent problems.
- A representative from Myanmar further clarified that many things need to be resolved in the country, but the Government has tried to find alternative solutions while handling dispute cases that involve furniture and garment factories. Several approaches learned from the ILO and other countries' experiences are being used.

5. Role of conciliation, mediation and arbitration in facilitating collective bargaining

5.1 Experiences from the Philippines

Presenters: Mr Johnson G. Cañete, Regional Director, Department of Labor and Employment, Mr Antonio H. Abad, Jr., Governor, Employers Confederation of the Philippines and Mr Jose Cayobit, Union President, Federation of Free Workers

Mr Cañete explained that the Philippines is a relatively big country, with a population of 92 million in 2010. As of 2013, more than 63 million people were aged 15 or older (31 million males and 32 million females), and of the 40 million workforce, 37.5 million people were working – which was an employment rate of 93.5 per cent. Based on a Bureau of Working Conditions report in 2013, there were 812,040 companies registered in the country.

The employers' associations comprise the Employers Confederation of the Philippines, the Federation of Filipino Chinese Chambers of Commerce and Industry, Inc. and the People Management Association of the Philippines. The National Industry Tripartite Peace Councils and the central bodies are divided by industry. There are 16,856 private sector trade unions, with 1.4 million members, and 149 national labour centres, federations and industry unions.

Mr Cañete reported that the number of strikes is decreasing, from eight cases in 2010 to only one in 2013, and the number of notices for a strike also has decreased, from 325 in 2010 to 177 in 2013, with a 99 per cent success rate in handling the notices of strikes – all as a result of the progress in managing collective disputes.

Mr Cañete noted the importance of the Single-Entry Approach as a formal strategy to settle individual disputes. The Employers Confederation of the Philippines is institutionalizing conciliation-mediation as the mandatory mode of dispute settlement for all labour cases. This strategy has impacted significantly, resulting in a drastic change in the number of settled disputes; in 2013, 83 per cent of the 27,355 disputes filed were settled this way.

In terms of collective bargaining, he reported that as of December 2013, there were 1,361 collective bargaining agreements covering 225,183 workers. According to article 254 of the Labor Code, a collective bargaining agreement means that neither party can terminate or modify the agreement within the 60 days prior to the expiration date. During that period, both parties are to maintain the status quo and the terms and conditions of the agreement continue until a new agreement is reached.

There are two approaches to facilitate a collective bargaining agreement: (i) bipartite negotiation and/or voluntary arbitration through the National Conciliation and Mediation Board; and (ii) compulsory arbitration.

In terms of unfair labour practices in collective bargaining, Mr Abad added that both parties are obliged by law to bargain but are not obliged to agree. It is considered an unfair labour practice if an employer refuses to bargain. According to a Supreme Court ruling, in the event of an employer-instigated unfair labour practice, the proposal of the union becomes the collective bargaining agreement of the parties. Such a case transpired with the Divine Word University; the union submitted a proposal for a collective bargaining agreement but the university administrators refused to bargain. That proposal thus became the collective bargaining agreement and imposed an obligation on the university, which did not honour the terms and ultimately was forced to shut down. Mr Abad further clarified that the flagrant and malicious refusal to comply with the economic provisions of a collective bargaining agreement is also an unfair labour practice. But an agreement without any economic provision is not treated as an unfair labour practice.

An unfair labour practice is not only an administrative offence but also a criminal offence – an employer found guilty of an unfair labour practice can go to jail. But it takes five to ten years to appeal a decision from the labour arbitrator or the National Labor Relations Commission to the appeals court and ultimately to the Supreme Court. Mr Cayobit added that no company has ever experienced a lockout after a union declared a strike due to satisfaction with the negotiation process.

Plenary discussion

- Mr Ritchotte asked how many of the cases that are mediated are in the context of collective bargaining and how many in the context of other types of disputes. According to one of the presenters, deadlock cases and collective bargaining cases constitute fewer than half of the cases handled. There are individual issues for collective bargaining and, because unions are strong, they usually can settle issues at the company level. In fact, that is why there are now fewer strikes and fewer assumed cases; the mechanisms at the shop-floor and at the establishment level, such as labour management cooperation, the grievance machinery and the Labor Management Council, provide mechanisms for dialogue. There are many Council committees, such as a Family Welfare Committee and a health and Safety Committee, that receive complaints or concerns and take them to the next level of the process.
- A delegate from Indonesia asked the Philippine delegates how many days it takes for the mediation or arbitration process and how many total days does it take to settle a dispute by litigation. Also, what happens if a trade union wants to strike while the employer wants to take the dispute to the labour court? One of the presenters responded that the conciliation and mediation process requires a resolution within 30 days; if not, both parties are asked to move to the arbitration phase. If on the 29th or 30th day the parties request another one week to meet, it can be extended. The arbitration process, however, takes much time because labour arbitrators handle more or less a thousand cases each month. The conciliation and mediation proceedings are confidential, and the labour arbitrators cannot use any existing analysis document as evidence at the arbitration level. They must start at the beginning and engage in conciliatory dialogue or some other proceeding in order to understand the case and make their decision. If after three sessions for such purpose there are no chances for conciliation, they then submit the first procession papers. Some labour arbitrators make a decision while reading the procession papers of both parties. But in many cases, they need the parties to come for a hearing because of some confusion over evidence. Hence, the process takes much time to be resolved. Such cases, big or small, usually take three to five years to be resolved. Recently, the Secretary of Labor issued a mandatory requirement that all cases are to be resolved within a year's time.

Mr Cayobit further detailed the 30-day cooling-off period, which is a notice that a trade union cannot strike. If the case is not resolved, it moves to the arbitration phase. After the 30-day cooling-off period, there are two possible responses. The Secretary of Labor can assume jurisdiction over the case if it involves a case that is of national interest. If not, the trade union can strike. Mr Abad continued explaining that the union can strike, provided it takes a strike vote and that it is approved by a majority of the union members. The union must submit the outcome of the strike vote to the National Conciliation and Mediation Board and then observe a seven-day strike ban. Only after these three requisites are conducted can the trade union go on strike. If one of the requisites is skipped, the strike can be declared illegal.

- Mr Wada from the ILO commented that several cases related to the assumption of jurisdiction were sent to the ILO Committee on Freedom of Association. In one case, involving the University of St Augustine, the Philippine Secretary of Labor had declared assumption of jurisdiction and that decision was sent to the union office as the strike was ongoing. But when the notice arrived by fax, there was no one in the union office to see it. Thus, the union continued its strike action unaware of the Government's response. The union

found the notice 24 hours later and stopped the strike action. Their delay was considered in violation of the law, and the court regarded the strike action as illegal. The ILO Committee on Freedom of Association responded with recommendations to examine the processes more carefully and to make them more harmonious.

- Mr Cayobit explained several recent changes under the new government administration. The Single-Entry Approach is a reform measure enacted by the Secretary of Labor in 2010 under Department Order No. 107; it is a mechanism available before the proper mediation. According to the report of the Institute of Labor Studies, most cases are resolved through the non-adversarial Single Entry Approach, and mediation and arbitration are used less frequently.
- Mr Cañete continued that the Single-Entry Approach is used more frequently because no decision is made that will destroy the relationship between workers and employers. The decision is actually the agreement of both parties. A third party facilitates the dialogue process, and they discuss the issues presented. The Single Entry Approach started in 2010. The number of cases handled through this approach has jumped, from 2,124 in 2010 to 26,305 in 2013, with a high settlement rate, at 83 per cent. After settlement, both parties shake hands. It is not adversarial and maintains good relations on the shop floor, which is why it is popular.
- Regarding the University of St Augustine, Mr Cayobit added that the university was affiliated with the Federation of Free Workers local union. First declared a case of an illegal dismissal, the case reached the Supreme Court after six years, where it was declared an illegal strike. The union then took the case to the ILO, using the supervisory mechanism. The ILO decided that the Philippine Government should review the case. Thus emerged two decisions from different bodies: one in which the Supreme Court decided against the union and one in which the ILO decided for the union. The issue now is whether the Government will recognize the recommendations of the ILO. A high-level delegation from the Philippines is in consultation with the ILO. Mr Cayobit acknowledged that it is understandable that international decisions cannot be recognized or implemented within a country.
- Mr Wada from the ILO noted that industrial disputes-handling mechanisms can be implemented in each country, but sometimes an employer or a union feels that the system is not in line with the ILO Conventions. Therefore, they take the matter to the ILO Committee on Freedom of Association or to the ILO Committee of Experts. As a result, the ILO makes certain recommendations. When labour practices are not in line with ILO principles, at least among ASEAN countries, the employer, the government and the relevant trade union jointly look into the situation and make amendments or take action to upgrade their standard of operations. In the case of the Philippines, the ILO Committee on Freedom of Association has pointed out several issues for future action.
- Mr Matsui from the Japan Business Federation explained that the observations or recommendations from the Committee on Freedom of Association or observations from the Committee of Experts on the application of standards are debated issues among the ILO governing body members. ILO Constitution Articles 27(1) and 27(2) clearly state that judicial functions have only the International Court of Justice to back them up. That is why any recommendations or observations made by ILO committees are not binding. Now the Philippine employers' group is challenging the issue and asking to change the nature of the observation or recommendation of these bodies. The Philippine Government does not have to accept the recommendations. But governments are supposed to respect or take into consideration the recommendations or observations.
- Mr Abad added that the Philippine Government eventually complied with the ILO recommendation regarding the St Augustine case, although in a subsequent case. Still, the Government is compliant, he said. In another similar case in which a strike was declared

illegal, the Supreme Court declared it legal in accordance with the ILO recommendation.

5.2 Experiences from Singapore

Presenters: Mr Lai Thiam Keong, Senior Assistant Director, Ministry of Manpower, Mr Toh Hong Seng, Deputy Director, Singapore National Employers Federation and Mr Karthikeyan Krishnamurthy, General Secretary, Singapore National Trades Union Congress

Mr Lai explained that collective bargaining in Singapore is provided for in the Industrial Relations Act. The law established a system for the prevention and settlement of industrial disputes through collective bargaining, conciliation and arbitration by the Industrial Arbitration Court. The conditions and process for collective bargaining are also specified in the Industrial Relations Act, the Trade Unions Act and the Employment Act. An employer's recognition of the trade union is the starting point for the collective bargaining.

Mr Lai said that a trade union may make a claim for recognition at the enterprise level by using the prescribed form in the Industrial Relations (Recognition of a Trade Union of Employees) Regulations. Upon receipt of which the employer has to, within seven days, either grant recognition or if he disputes the claim, notify the Commissioner of Labour in writing of his grounds for not granting recognition. After receiving the notification from an employer that he does not wish to grant recognition, the Commissioner may in his discretion by notice in writing inform the employer that a secret ballot shall be taken. If results of the secret ballot show that the majority of the employee entitled to vote are members of a particular trade union, then the employer has to grant recognition within three working days. Otherwise, the trade union may serve another claim for recognition six months later.

Once the trade union has been granted recognition, it can enter into collective bargaining with the employer. There are several levels of collective bargaining. The most common one is between the employer and the trade union at the enterprise level. In some cases, the trade union may enter into collective bargaining with a few employers (an industry union, for example). This is not unusual in the banking and insurance industries. In such a circumstance, the trade union and employers reach an agreement on some broad scopes and then arrived at an agreement at the enterprise level. In the public sector, the trade union engages in collective bargaining with the Public Service Division for certain classes of government employees. However, the statutory boards would engage in separate negotiation with the trade union, and the collection agreements are signed separately between the trade union and each of the statutory board.

There are about 1,200 collective agreements in place currently. The collective agreements is the outcome of successful negotiations which may contain terms relating to various employment matters such as the annual wage increases, allowances, variable payments, medical and dental benefits, annual leave, sick leave & hospitalisation leave, retrenchment benefits, grievance handling procedure etc. In relation to wage increases, employers and trade unions are to refer to the recommendations made by the National Wage Council (NWC) as a basis for their negotiations. The Council was set up in 1972, to provide a mechanism to recommend wage adjustment in an orderly manner that is in line with the country's economic growth. The Council is made up of representatives of the government, employers and trade unions. Although the recommendations are not legally binding, it would have influences during the conciliation and arbitration proceedings.

Mr Lai also elaborated on the negotiation, conciliation and arbitration processes as prescribed by the Industrial Relations Act and gave an overview of Singapore's industrial relations climate, and highlighted the factors that have contributed to the harmonious industrial relations in Singapore. He also discussed the close cooperation between the government (MOM), the NTUC and the SNEF. As a result of the improved industrial relations, the number of dispute cases referred for conciliation has declined over the years.

Mr Karthikeyan Krishnamurthy further indicated that there would be changes to the Employment Act in April 2014 to give more statutory protection to the workers (including the professionals, managers and executives, and subsequently the Industrial Relations Act to allow trade union's collective representation of the professionals, managers and executives in the workforce.

Mr Toh added that the amendments to the Industrial Relations Act would involve close consultation among the tripartite partners.

Plenary discussion

- The ILO representative asked if Singapore has a floating wage system. Mr Karthikeyan Krishnamurthy explained that Singapore does not have a minimum wage system. Instead, the country has adopted a progressive wage model that is designed to help workers in Singapore upgrade and expand their skills so that they can earn higher incomes. A progressive wage model is based on four aspects: career progression, skills improvement, productivity improvement and wage increase. For a start the model is currently applied in the cleaning sector. There are plans to extend the progressive wage model to the security and landscaping industry in the future.
- A participant from Malaysia asked which part of the laws would be amended to cover the professionals, managers and executives. Mr Lai replied that the professionals, managers and executives would be covered by most of the parts of the Employment Act after the law is passed in April 2014..
- Mr Karthikeyan Krishnamurthy added that the rank and file trade union would be given the legal right to collectively representing the professionals, managers and executives under the amended Industrial Relations Act. In addition, the trade unions would like to promote "one enterprise, one trade union" as having two unions in one company may be more complicated and generally not preferred by the employers.
- Responding to a question on the secret ballot, Mr Lai explained that the process is based on the union membership of the particular trade union. If a simple majority is obtained, the employer will have to grant recognition to the trade union under the law.
- A delegate from Indonesia queried why the number of strikes and disputes declined after 1970, compared with a large number in 1958. Mr Karthikeyan Krishnamurthy explained that since 1969, there has been more cooperative labour-management relations, with the trade unions playing responsible role in improving the living standards for workers and collective bargaining for terms and conditions in the workplace. .
- A representative from the Philippines inquired about the union membership of managers and executives. If they are members of a trade union, who then represents management in the collective bargaining process? Mr Lai explained that the upcoming amendments to the Industrial Relations Act would allow a trade union to collectively represent the managers and executives. However, the law will exclude certain category of managers and executives from the union representation to avoid the conflict of interest.

5.3 Experiences from Japan

Presenters: Mr Yasuo Ariga, Deputy Director, Ministry of Health, Labour and Welfare, Mr Hiroyuki Matsui, Co-Director, Japan Business Federation and Ms Akiko Okubo, Director, Japanese Trade Union Confederation

Mr Ariga began by explaining Japan's basic legal framework on industrial relations. The industrial relations legislation, such as the Trade Union Law, is designed to guarantee the three basic entitlements of labour: (i) the right to organize; (ii) the right to bargain; and (iii) the right to act collectively, which is defined by Article 28 of the country's Constitution. He reiterated that the principle for a dispute resolution system is voluntary resolution between employers and workers. Mr Ariga reported that 250,000 cases of consultation have been filed with the Labour Standards Bureau in each prefecture, whereas only 463 cases have been mediated, conciliated or arbitrated by the Labour Relations Commissions. According to a labour dispute survey, the number of disputes decreased from 10,462 cases in 1974 to 596 cases in 2013. Labour relations in Japan is perceived as stable, especially when compared with other countries; labour relation issues do not tend to spread to other companies and the labour-management consultation system has widespread use.

In closing, Mr Ariga highlighted two features of trade unions in Japan – in-house unions and the annual spring labour offensive. In-house unions have been established by senior lifelong employees. Their role is to deal with difficult issues, such as policy and institutional requirements, and to supervise and adjust strategies and decisions regarding the annual spring labour offensive. The annual spring labour offensive was launched in 1956 to strengthen the bargaining power of trade unions and to provide oversight on the increasing of wages.

Mr Matsui further explained that the labour-management consultation system facilitates dialogue between workers and employers but it is not stipulated by any legislation. The Japanese affiliates operating in ASEAN countries have difficulties in preventing strikes and labour disputes and have dealt with illegal strikes on many occasions. The Japan Business Federation asks its member companies to minimize such incidents by introducing the following measures:

- (1) fostering mutual understanding between management and leaders at the shop-floor level;
- (2) organizing meetings, company outings and dinners in which the top management communicates with employees by explaining the company's conditions and vision on human resource management and expectations towards local staff; and
- (3) orienting Japanese expatriates on the local culture, customs, religions and labour legislation and practices.

The Federation also advises its member companies to consult with local government, the local chamber of commerce, the comparable association of industrial real estate for foreign investment, the Consulate General of Japan and the police, if required. However, sometimes the police or government officers do not want to engage in this kind of dispute, which is a disappointing reaction from government officers. Hence, the Federation asks ASEAN governments to pursue applicable legislation. Mr Matsui asked the participants to refer to the ASEAN Guidelines on Good Industrial Relations Practices that the ASEAN labour ministers have adopted. He assumes that workers can share their vision on productive industrial relations in this context.

Ms Okubo presented a brief overview of how Japanese trade unions facilitate collective bargaining and better industrial relations. The collective bargaining process in Japan is a massive decentralized structure. The Japanese Trade Union Confederation and the Japan Business Federation operate at the national level while the industrial federations of trade unions function at the industry level. The duty of the industrial federations is to conduct consultations

only. These consultations are used as a preliminary discussion prior to the official bargaining. In addition to working conditions, they discuss personnel and occupational safety and health issues. Most collective bargaining takes place during the annual spring labour offensive, which is also known as *Shunto*.

Plenary discussion

- A participant from Viet Nam asked whether the frequency of consultations is specified within the law and whether there are any limitations on the issue to be discussed. Ms Okubo responded that there is no limitation on the topic or no rule for frequency. The trade unions and employers decide the frequency. Mr Matsui mentioned that Viet Nam's legislation provides a mandatory quarterly consultation and added that awareness-raising and capacity-building are important to make the best use of the consultations by going beyond just a formal occasion to exchange views and that the consultations rely on workers and employers to properly implement.

Mr Mikata referred to challenges in industrial relations and cited the Toyota Motor Corporation's attempt to identify grievances on a daily basis by talking to workers about their concerns or problems and trying to resolve them within the company in order to avoid the conciliation and mediation process.

- A participant asked the Japanese delegates who conducts the data collection process for use in guiding the collective bargaining agreements, how it is carried out and how do they negotiate effectively. One of the delegates clarified that the trade unions are responsible for collecting detailed information on workers through a questionnaire distributed among them and by asking management, which they then use to prepare for negotiations and official bargaining. He also emphasized that workers and employers both should know how to compromise and to find a point of mutual benefit within the range of information and consultation. He added that training on negotiation and collective bargaining for both parties is essential.
- A participant from the ASEAN Secretariat asked why there has been no significant increase in labour dispute cases in Japan, despite the economic crises in 1997 and 2008. Is such a situation the result of the social safety net programmes of a well-functioning government? Mr Ariga replied that the number of consultation cases with the Labour Standards Bureau at the prefecture level is increasing and the number of interventions by the Labour Relations Commissions shows no increase because the voluntary resolution system is working well. In this system, discussions between a trade union and employer end in good outcomes that involve little arbitration and mediation.
- Ms Okubo added that the basis of good Japanese industrial relations is good dialogue at the enterprise level. When the economic downturns occurred, the employers and trade unions made the survival of their respective companies their first priority and did everything possible to keep their workplace operating and thus themselves employed. This required that they accept the stagnation of their wages and worsening working conditions. In such a situation, there was no way for a trade union to go to the arbitration or dispute resolution institution for better wages or working conditions.
- Mr Wada from the ILO commented that one of the reasons why the number of disputes is declining, even during Japan's economic stagnation, is because trade union membership is declining and the structure of disputes is changing. Actually, collective disputes are declining, but the number of cases that individuals file with the labour bureaus is increasing. A system is needed for individuals to file their cases to the Labour Standards Bureaus or another body similar to the court but not a juristic body.

6. Fixing wages through collective bargaining – Experiences and trends

6.1 Experiences from Cambodia

Presenters: Mr Vudthy Hou, Under Secretary of State, Ministry of Labour and Vocational Training and Mr Pret So Uot, Legal Officer, Cambodian Labour Confederation

Mr Pret began by pointing out that the Kingdom of Cambodia shares borders with Thailand, the Lao People's Democratic Republic and Viet Nam and that the land area of 181,035 sq km is divided into 25 provinces, 185 districts, 1,621 communes and 14,073 villages. The population in 2013 was more than 15 million. The Cambodian Labour Confederation was established in December 2008 and has eight federations, with 92,274 total members in 2014. The minimum wage is US\$100 a month.

Cambodia has ratified the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98). The Labour Law (96-101) and *Prakas* No. 305 require employers to negotiate when the union party has met certain conditions. The law also supports the two ILO Conventions on labour rights by protecting against acts of discrimination towards trade unions and interference with workers and by promoting the development of voluntary collective bargaining. There were 77 collective bargaining agreements as of 2012. The goals of a collective bargaining agreement are: (i) establish a strong trade union voice in the workplace; (ii) promote better working conditions; (iii) expand workers' benefits beyond what the law requires; (iv) promote good industrial relations; (v) prevent strikes and lockouts; (vi) improve productivity and profitability; (vii) enhance trade union and company reputations; and (viii) develop a better system for resolving grievances in the workplace.

Mr Pret further explained that a collective bargaining negotiation is conducted between employers and workers and the results must be registered with the Ministry of Labour and Vocational Training. Wage setting always takes place through collective bargaining at the enterprise level in the four sectors of tourism, garments, footwear and construction. Wages are also affected by other systems, such as for determining bonuses, food allowance for overtime work, transport allowances, seniority bonuses and annual leave bonuses. The main constraints in setting wages through collective bargaining relate to corruption, the dismissal of union leaders, the lack of a trade union in many enterprises or the presence of many trade unions in one enterprise. Hence, it is necessary for the Government to provide knowledge on collective bargaining to all stakeholders and to strengthen the law and regulations as well as to improve the negotiation skills of workers and employers.

Mr Vudthy explained that Cambodia has collective labour agreements, which are written agreements that are signed by the employer or a group of employers and one or more trade unions. The validity of terms of these agreements is not to exceed three years. If there is no trade union, elected shop stewards can represent workers in negotiations with the employers. The validity of the conditions in this type of agreement are not to exceed one year. Mr Vudthy elaborated on the purpose, scope and procedure of this type of agreement.

In 2013, representatives of workers and employers in the private sector have negotiated and reached 400 collective bargaining agreements on the terms and conditions of employment in such sectors as garments, footwear, airlines, banks and hotels. This type of agreement is valid for two years and typically covers the recognition of union rights, a code of conduct, rights in the workplace and working conditions.

In closing, Mr Vudthy pointed out that the employment contract provides agreement on wages in relation to an employee's level of skill.

Plenary discussion

- A participant from Indonesia asked how the minimum wage is decided, if there is a wage council and why the police and military attacked striking union workers when trade unions in Cambodia are struggling to improve the minimum wage and working conditions. The participant pointed out that 23 trade union activists were arrested. One of the delegates responded that Cambodia has asked the ILO for technical assistance with wage research to determine a suitable minimum wage (in accordance with ratification of ILO Conventions No. 83 and No. 98). The minimum wage increased from US\$50 to \$100 a month, although the workers are asking for \$160 a month. The most recent strike became a wildcat strike and violent, hence the Government had to take measures to maintain security. Unfortunately, it was tragic that 23 workers were arrested and are now in jail and that five workers died and 40 workers were injured. The delegate emphasized that the Government must enforce the law but also must collaborate with trade unions to find a solution to achieve the \$160 monthly minimum wage. There is no wage council in Cambodia.
- Mr Ritchotte commented that the minimum wage in Cambodia is only applied within the garment industry. In all the other industries it is set through collective bargaining. So the hotel and tourism industries do not have a minimum wage; wages are determined through negotiation. Mr Ritchotte noted that a common problem in the region is an overreliance on the minimum wage. In Indonesia, for example, there is too much focus on the minimum wage. As economies evolve, it is important to move away from a minimum wage and start thinking of other ways of fixing wages. Thus, Cambodia is an interesting example in which there is a huge focus on the minimum wage in the garment industry, which has led to problems; but in the hotel industry, collective bargaining occurs and there are no problems. It is an important lesson for other countries – thinking too much about a minimum wage can lead to problems. In Indonesia, for example, the minimum wage is a big problem. It is important to encourage collective bargaining as a way of fixing wages and to stop focusing so much on minimum wage fixing.
- A participant asked who represents the trade unions in collective bargaining discussions and if there is any sanction by the Government if an employer refuses to negotiate with the workers' representative. The participant also asked how Cambodia deals with unfair labour practices. One of the delegates explained that the steward represents workers in collective bargaining discussions. The collective bargaining process is not governed by any law but is used voluntarily. Normally, the workers' representative will make an appointment with the employer to discuss a specific issue regarding any unfair labour practice.
- A participant from Malaysia asked if the collective bargaining agreement provides a better salary than the minimum wage, which is only applied in the garment industry. The participant noted that there are 2,981 trade unions in Cambodia and that as of 2012, there were only 77 collective bargaining agreements; thus, the number of unions with concluded agreements does not reflect well. One of the delegates replied that the Government has fixed the minimum wage in the garment and footwear sectors only. The other sectors depend on collective bargaining and the employment contract, which each employee signs with the employer. The contract states the employment period. The wage in all sectors is higher than what it is in the government sector. Updated data from the Government as of 2013 refers to 400 collective bargaining agreements made in the garment, footwear, airlines, banking and hotel sectors.

6.2 Experiences from Indonesia

Presenters: Mr Decky Haedar Ulum, Directorate General of Industrial Relations and Social Security Workers, Ministry of Manpower and Transmigration, Ms Endang Susilowati, Chairman of Legal and Advocacy, Employers' Association of Indonesia and Mr Said Iqbal, President, Confederation of Indonesian Trade Unions

In giving a brief overview of the country, Mr Iqbal noted that Indonesia has a population of 246 million, with the productive-age population at 173.9 million, which is inclusive of 110.8 million people of working age. There are approximately 213,000 companies operating, with 155,000 small companies, 40,000 medium-sized companies and only 18,000 large companies. Indonesia has 28 employers' associations, with a total of 6,180 members; six confederations; 102 federations, 11,852 private labour unions and 170 state-owned unions. Total membership in all unions is 3.4 million workers; there are 12,113 collective bargaining agreements.

There are three major laws on industrial relations: Act No. 21 (2000) concerning trade unions, Act No. 13 (2003) concerning human resources and Act No. 2 (2004) concerning industrial dispute settlements.

Mr Iqbal emphasized that wages and workers' welfare are important factors to improve the investment climate and industrial relations practices in Indonesia. Workers are paid according to the work agreement, company regulation or a collective bargaining agreement. He explained that the benefit of setting wages through collective bargaining is the creation of an atmosphere that is conducive towards improving productivity, transparency and fairness in a company as well as ensuring the security of rights in the employment relationship.

As to the challenges in setting wages through collective bargaining, Mr Iqbal stated that wages are only understood as a means for improving workers' welfare and well-being. Improving workers' welfare can be done through various benefits, such as the variable and fixed costs, health care benefits and retirement security. A collective labour agreement is a mechanism for increasing wages, even though wages are based on seniority and workers' productivity. However, the minimum wage has become the basis for determining a wage increase through collective bargaining (though seniority is still a major factor in determining wages increases).

The Government encourages social dialogue at the company level so that management can learn of problems through some bipartite mechanism; the Government also provides capacity building to improve negotiation skills among all stakeholders. It is also important to regulate the structure and scale of wages, based on the years of service, education level and job competence.

From the Government's perspective, Mr Ulum added that there are two classifications for fixing the minimum wage: (i) the Government's minimum wage policy is used for employment of less than one year; and (ii) collective bargaining is used for negotiation at the plant level for employment after the first year.

There are two strategies for increasing the minimum wage: (i) At the factory level, the trade union can engage in collective bargaining and include the wage structure and scale, which depends on workers' experience, education level and skills. (ii) Within the public sector, the minimum wage will be increased in accordance with the economic growth and inflation rates. The problem in Indonesia is that a majority of employers base the structure and scale of wages at the plant level on a percentage of the nominal minimum wage set by the Government. That leaves trade unions struggling for a real increase in the minimum wage.

Plenary discussion

- Mr Ritchotte commented that it is his understanding of the Indonesian collective bargaining experience that all wages are linked to the minimum wage. Thus, in a factory, an entry-level

or a first-year worker will receive the minimum wage, but a second-year worker will receive the minimum wage plus 1 per cent, and then the third-year worker will get the minimum wage plus 2 per cent, and so on. This is a common practice in most factories and most enterprises. Whenever the minimum wage is increased, everybody's wage is increased. He added that everybody's wages are fixed at the provincial, district or sector level through a tripartite process but they are not linked to the performance of the respective enterprise. Even collective bargaining is linked to the minimum wage. All the pressure on wage fixing is at the minimum wage table and not at the enterprise or the sector level. He then asked what others thought of this system and asked the Indonesian delegates for their impression of how that system is working.

- Mr Ulum responded that there is a wage council in the provinces and it consists of representatives of employers' associations, trade unions and the Government, and the council members decide the sector minimum wage. In doing so, they consider the cost of living and decide on the nominal minimum wage, which they then recommend to the provincial government for consideration. Within that procedure, the management at the factory level discusses with the union how much the nominal increase of wages will be for one year of service, two years, five years, etc. The increase then depends on the structure and scale of wages due to a differentiated structure in each factory. In some other countries, the minimum wage is decided on the basis of the capability and profit of a company, especially in multinational companies. However, this practice does not exist in Indonesia yet. The country needs two years for negotiation and making decisions on this issue. Ms Susilowati added that the question seems to be whether Indonesia could do what many countries do – have a system in which all parties follow whatever minimum wage is set by a council. In Indonesia, workers have adopted two strategies: one by companies and the other by the workers. The workers can protest in the streets to force the Government to increase the minimum wage but strikes are prohibited.

6.3 Experiences from Malaysia

Presenters: Ms Saadiah Binti Saad, Senior Assistant Director, Ministry of Human Resources, Mr Tan Kee Tett, Senior Consultant, Industrial Relations, Malaysian Employers' Federation and Mr Gopal Kishnam Nadesan, Secretary General, Malaysian Trades Union Congress

Ms Saadiah opened her presentation by describing the country's wage determination process. She explained that in the private sector wages are fixed through several mechanisms, such as market forces, statutes, adjudication by the Industrial Court and collective bargaining. However, collective bargaining has an important role in the determination of wages. Basically, wages are determined by market forces through the supply and demand of labour. When the demand of labour is higher than supply, wages rise. In the 1970s, wages increased at a slower rate when there was a surplus in labour and a relatively high unemployment rate. Wages started to rise from the beginning of the 1980s as the country intensified its industrialization programme. In the 1990s and until recent years, the increase in wages remained high because of the strengthening labour market. The Minimum Wage Order was gazetted in July 2012 and was enforced on 1 January 2013. The minimum wage is 900 ringgit (MYR) in Peninsular Malaysia and MYR800 in Sabah and Sarawak. The difference is due to the cost of living. The minimum wage covers both local and foreign workers but excludes domestic (household) workers. In setting the minimum wage policy, the Government takes into account the cost of living, productivity and competitiveness.

Malaysia's Industrial Court has singled out factors that should be considered in determining wages. The first is to compare the wage level with a similar or related industry. The second is to consider whether the wage level gives due consideration to the cost of living. The third is to take into account the financial capacity to meet such wage levels. The Industrial Court has said that the cost of living should be factored when determining wages and should be based on comparable wages in similar industries and the financial capacity of a company.

Section 2 of the Industrial Relations Act, which regulates collective bargaining, defines such a practice as a process of negotiating to conclude a collective agreement. A registered trade union must first obtain recognition from an employer before it can commence collective bargaining with the employer. A collective agreement is actually an agreement, in writing, concluded between an employer and the union of workers that specifies terms and conditions of employment and the work.

During the negotiation and collective agreement, a trade union may propose an increase in wages. Whether the employer agrees to the increase highly depends on such factors as ability to pay, comparable wages (in similar industries), cost of living and labour productivity. Ability to pay is the ultimate factor for determining the amount of wages. An increase request should be within the employer's ability to pay. A common indicator used to identify a company's ability to pay is its profit and loss statement, which is then used to justify the increase in wages. The comparable wages within a similar or related industry are also widely used to determine wages. Employers and trade unions usually conform to the rates payable within the same industry. This practice is encouraged by trade unions to enable their members to receive equal pay for equal work regardless of geographical differences. Competition between companies within the same industry, which requires employees with the same skill sets and experiences, will result in uniformity of wages and salary rates. Companies have to adhere to the same general rates of wages in order to attract and maintain a sufficient quantity and quality of workers.

The cost of living is another factor that is taken into account. When the cost of living increases, workers demand a wage adjustment through their trade union. The consumer price index (CPI) is used to determine the increase in the cost of living. In one particular case, the industrial court used the principle of CPI index tuning to decide the wage increase. In that situation, both parties had agreed that the wage increment should be given, but a dispute arose regarding what the amount should be. The judge was of the opinion that the main justification for the salary increment should be the cost of living.

Labour productivity is another important factor. It influences the increase of wages in the labour market. Increases in labour productivity can arise from a combination of such factors as improvement in education and skills of the workforce, adoption of new technology, modern equipment and the modernization of administrative services. Malaysia will launch a My PLWS portal in March 2014. PLWS is a productivity-linked wage system that enables employees to obtain a fair share through collective bargaining, based on productivity growth and performance improvements.

Ms Saadiah further added that there are three wage components typically discussed in collective bargaining: salary adjustment, annual increment and bonus. Salary adjustment is the increment in the existing wage rates relative to the increase in the cost of living. Normally, a salary adjustment given by an employer applies across all employees equally in the form of a percentage increase. But some employers also make an increase across the board according to grade and position. The salary adjustment across the board was applied in 276 collective agreements made between 2009 and 2012, which the Industrial Court recognized. The average salary adjustment among them was 6.2 per cent. The highest rate of salary adjustment recorded in the collective agreements was 30 per cent in the banking industry.

Annual increments are often expressed as a percentage of an employee's overall base pay. An increment usually represents a portion of what the employee earns per year. For example, the lowest annual increment for employees, based on those 276 collective agreements, was MYR40 per year, and the highest annual increment was MYR114 per year. On average, the annual salary increase was MYR78 per year. In that same period, 2009–12, there was no minimum wage.

A bonus is an additional compensation given to an employee in addition to the normal wage and can be used as a reward for achieving specific goals set by a company's management. It typically is paid on a seasonal basis in the form of a contractual bonus or a performance bonus. Of the 253 collective agreements that the Industrial Court recognized between 2009 and 2012, 31 included a contractual bonus of less than one month's salary, 116 provide a contractual bonus between one and three months' salary, three provided a contractual bonus of more than three months' salary, and 103 provide a bonus based on the employees' or the organization's performance.

In conclusion, Ms Saadiah said that the fixing of wages in collective bargaining is determined through bipartite discussion. The wages agreed through collective bargaining should not be lower than the minimum wage, according to the labour laws, and should not exceed the market price. Several factors, such as ability to pay a comparable wage, the cost of living and labour productivity, need to be considered and agreed by the employer to increase wages.

Mr Tan clarified that the collective bargaining agreement is made through bipartite discussion. Once it becomes a mutual agreement, it is then submitted to the Industrial Court to certify as a legal agreement. The non-recognized agreements are submitted for dispute, with assistance from the Ministry of Human Resources. The fixing of wages is not only based on the ability to pay but also consideration of production costs, competitiveness in the world market and the products of a specific company.

Mr Nadesan noted that the Employment Act provides a minimum benefit for all workers, whereas a collective bargaining agreement provides better terms and conditions – making it a superior document. A collective bargaining agreement is valid usually for three years. After that, until it is superseded by another agreement or by the award of the Industrial Court, its provisions prevail.

The Government has been allowing employers and employees to fix wages since the 1960s, when industrialization began in Malaysia. However, the Government realized that allowing market forces to fix the minimum wage was not bringing the anticipated good results because so many Malaysian workers were going abroad for employment, such as to Singapore. A documented 2.3 million migrant workers have come into Malaysia for employment, with the undocumented number estimated at more than 2 million workers. To some extent, the arrival of migrant workers curtailed proper wage fixing in the private sector. That forced the Government to finally draft a Minimum Wage Act, which was introduced in parliament in 2012 and went into effect in January 2013. But there are some shortfalls. Migrant workers must pay a levy and cover their cost of living. Some Malaysian workers also, to some extent, are also discriminated against because their employers still pay less than the minimum wage.

Plenary discussion

- A participant from Viet Nam cited the different interests and rights of employers and employees and the function of the Government to support the two parties and balance their requirements, and asked how wages are thus determined in the private sector. The participant also asked about the coverage of collective bargaining for wages and bonuses – does it cover Malaysian workers and foreign migrants? The delegates from Malaysia explained Malaysia encompasses Chinese, Indian, Sarawakian, Sabahan and other multiracial workers who are treated equally by the collective bargaining agreement, unless there is a productivity-linked or performance-linked bonus, which then depends on an individual's performance and skills. After the minimum wage setting, employers are allowed to deduct \$150 per month (\$100 for the levy and \$50 for accommodation expenses) from migrant workers' salaries. This makes their income lower than the minimum wage and lower than what Malaysian workers are paid.

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- Ms Chang from the ILO noted that it has been about one year since the minimum wage was introduced in Malaysia, and a report by the Malaysian Employers Federation noted that the MYR900 minimum wage might cause a 40–90 per cent increase in the actual cost of doing business in some areas. She asked if there has been any assessment of the increase in the cost of doing business and how employers and workers have dealt with the situation. One of the delegates responded that the Minimum Wage Order was enacted in January 2013, and it has definitely affected the cost of production and business. Some companies deduct the cost of the required levy and accommodation expenses in the contracts signed with migrant workers or their representative agencies. This is how the company can run the business and try to increase productivity.

6.4 Experiences from Thailand

Presenters: Mr Pongtep Chandaragga, Labour Specialist, Practitioner Level, Ministry of Labour and Ms Siriwan Romchatthong, Secretary General, Employers' Confederation of Thailand

Ms Siriwan reported that Thailand has a population of 68 million (33 million males and nearly 35 million females), with the population aged 15–20 years at around 40 million. As of February 2013, the number of enterprises was 355,952, and the unemployment rate was 0.77 per cent. As of 2012, the per capita income was US\$3,350.48. There are 350 employers' associations, 12 federations and 14 confederations. There are 1,458 trade unions, of which 593 are house unions and 865 are industrial unions, with 599,224 union members, or 43 per cent of all workers. As of December 2012, there were 22 federations and 13 confederations. Collective bargaining is conducted only at the enterprise level between management and the enterprise union.

A minimum wage fixing system was adopted in 1972, and a National Wage Council was set up as a tripartite body for fixing wages. The minimum wage has been adjusted a number of times. The minimum wage rate varies from rich to poor provinces. However, in 2013, a nationwide minimum wage was introduced as part of the Government's strategy to push the country into high-income status. At that time, the National Wage Council stated that the new minimum wage would remain unchanged for three years. Additionally, as of 2012, wage rates are to be fixed by the Council for each branch of occupation, in accordance with skill standards; workers who pass a skill standard examination can be paid more than the minimum wage.

Collective bargaining was adopted as one method for fixing wages in the manufacturing industries, such as automotive, electrical and electronics, and sometimes in the service sector (in hotels). The top three demands for bargaining are bonus, wage raise, diligence incentive or a shift allowance. Other than dealing with wage-related issues, the collective agreement covers a range of employment conditions. There have been 426 cases of demands by unions from 386 enterprises, involving 371,495 employees; 19 cases of demands by the management, 11 cases of counterproposals by management and six cases of demands by trade unions. In 2013, there were 407 cases of registered collective bargaining agreements, 90 cases of collective disputes in 81 enterprises involving 81,185 employees, 79 cases of disputes settled by government-related or legal frameworks, which included three strikes and two lockouts involving 3,475 employees. The trade unions' demands have related to: (i) annual bonus of six months' salary plus 60,000 baht (THB) for union members and five months' salary plus THB50,000 for non-union members; (ii) salary raise to be 6–8 per cent plus a fixed amount; (iii) petrol allowance of THB1,000 per month; (iv) annual subsidy to the union of THB100,000 per year; (v) allowing one union committee member to work full time for the union while fully paid by the company plus an allowance of THB2,000 per month; and (vi) a special diligence allowance of THB5,000 and so on.

Failure to reach a collective bargaining agreement typically is due to: (i) demands not submitted within the required time; (ii) management does not recognize the trade union; (iii) intervention of a third party, such as an international non-government organization; (iv) non-availability of factual data; (v) unequal strength of parties participating in the collective bargaining process;

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- (vi) attitude of employers and trade union is rigid, non-compromising and closed-minded; and
 - (vii) negotiating representatives cannot come to a decision.

For the collective bargaining process, the employer or the employees' union first submit their demand 60 days prior to the expiry date of the existing collective bargaining agreement. The party that receives the demand must appoint representatives and negotiate within three days from the receiving date of the demand. After reaching an agreement, the employer must register it at the labour office within 15 days from the date of the agreement. If the parties fail to negotiate or cannot reach an agreement, they must continue negotiating. At that point, the party that submitted the demand must notify the conciliation officer within 24 hours, who must take action within five days. Then, if they still cannot settle after conciliation, both parties have three choices. The first choice is to jointly appoint the Labour Relations Committee as arbitrator for final judgement; this is a compulsory arbitration by the Labour Minister's order and must be registered within 15 days. The second choice is to conduct a lockout or strike after informing the employer and conciliation officer within 24 hours and obtaining a majority vote, by secret ballot, for a strike. The dispute goes on to reconciliation and renegotiation. However, if a strike or lockout threatens to damage the economy or public order, the third option allows the Labour Minister to order both parties to stop and refer to the Labour Relations Committee for final judgement within 90 days.

The Labour Minister appoints the chairperson of the Labour Relations Committee, which consists of 8–14 members, with at least three members representing employers and at least three representing employees. Its powers and duties are to: (i) consider and decide labour disputes; (ii) consider and decide unfair practices; and (iii) submit opinions concerning demands, negotiations, settlement of labour disputes, strikes and lockouts, as authorized by the Labour Minister. Its decisions are subject to appeal to the Labour Court and eventually the Supreme Court.

The Government foresees more wage fixing through collective bargaining. Collective bargaining should be based on facts and figures and should be fairly implemented to avoid any disagreement on the interpretation of the agreement's terms and conditions. Ms Siriwan suggested that management should establish a good relationship with its union for the duration of the agreement to promote and ensure good labour relations towards sustaining industrial harmony.

Plenary discussion

- Ms Okubo asked about the meaning of “countered” in slide No. 10. Ms Siriwan replied that when one party submits a proposal and the other party refuses it, then that party submits a counterproposal.
- A participant from Cambodia asked about the procedure in the case of a lockout or strike and obtaining a majority by secret vote. Ms Siriwan explained that the secret voting is done by the bargaining members of the trade union or employees; if the union cannot obtain a majority, they cannot strike.
- A participant from the ASEAN Secretariat asked whether the minimum wage applies to migrant workers and wanted to know more on how the national minimum wage is part of the Government's strategy to develop the country into a high-income economy. Ms Siriwan clarified that there is no discrimination against migrant workers. The minimum wage was introduced in 2012 in some provinces. When the Government suddenly increased the salary sharply, many enterprises could not afford it. Hence, the Government applied the minimum wage only in some provinces first. From 4 January 2014, all provinces in Thailand have to cover the minimum wage, regardless of migrant or any other type of worker. The sharp wage increase was a result of a campaign promise before national elections by the political party

that ultimately won. The party also advocated that increasing wages by almost 40 per cent would help the country achieve high-income status.

- Mr Matsui from the Japan Business Federation noted that many ASEAN countries are struggling to find a way to determine an appropriate level of minimum wage and that it is difficult for Japanese investors to follow the higher increase of minimum wages in ASEAN countries. Ms Siriwan replied that Japanese companies in Thailand pay more than the minimum wage of THB300, especially for skilled labour, which is in high demand.
- Mr Matsui then asked what methodology is used to determine the minimum wage. Ms Siriwan explained that the methodology is based on the ability to pay, the cost of living and gross domestic product, just as it is done in many other countries. There is discussion and decision-making by a tripartite body, in line with government policies.
- A participant from Malaysia asked about the total working hours per week and the minimum wage, which is an important issue for foreign investors. Ms Siriwan explained that the minimum wage is now THB300 across the country, and a working day is eight hours, six days a week.

7. Group discussions

The participants broke into three groups (by countries) to discuss the following two themes:

- (i) Identify the obstacles and solutions for improving collective bargaining.
- (ii) Identify how to better link dispute resolution with the collective bargaining process.

Group A: The Lao People's Democratic Republic, Malaysia and Thailand

A participant from Malaysia presented the group's discussion on the obstacles and solutions for improving collective bargaining.

The first obstacle is transparency. This refers not only to the employer but even the employees' representative who needs to have some transparency so that subsequent negotiations to conclude a collective bargaining agreement are successful. The other obstacle is that on some occasions, upon receiving the proposal from the union, the employer sometimes either responds very late and or does not respond. Based on the experiences in Thailand, the employer needs to respond within three days. It is possible, although it needs to be stipulated in legislation. Limited legal provisions and unclear procedures are available for both the employer and the employees under the provision of the collective agreement. The procedures must be clear, and the legal provisions pertaining to the collective agreement also must be clear. A fourth point is that the demands and offers are not realistic sometimes. There must be some understanding of what is realistic. Another point is that there is a lack of dialogue between the employer and the employees' representative. That is one area that is becoming an obstacle to concluding a proper collective bargaining agreement.

There must be a solution for each obstacle. And among them, it is important to enhance social dialogue. The responsibility of the employer and the employee must be the same. If the workers are happy, the productivity will improve and, in turn, the profit margin will improve. On that note, there must be proper social dialogue between the two parties. Next, unions should submit reasonable demands.

The participant explained that his group does not deny that many union leaders might not understand what their rights are and are not, and thus a positive approach should be taken to advocate for submitting reasonable demands rather than unreasonable demands to the employer. Next, a reasonable timing for a response should be established, which includes a sufficient time

frame to settle the agreement. If there is no time frame, either party will take their time to find a solution. And the timing for a response must be reasonable. Last, a monitoring system should be set up to keep a check on whether the entire system is moving in the right direction.

In terms of better linking the dispute resolution process with the collective bargaining process, the participant noted that all collective bargaining agreements must have provision for a grievance procedure. If it is in the agreement, then many issues can be resolved through that process. On many occasions, even when it does not involve any monetary value, such a provision provides direction on resolving many grievances. In addition, constant dialogue between employers and unions is advisable. Unions and management must work in parallel. One party should not undermine the other party, which constant dialogue between parties as well as respect for each other and an attitude of give and take can prevent. This will lead to win-win situations that avoid only one party “winning” and the other party always feeling that they are not receiving what they should.

Finally, sharing comprehensive realistic information is very important. On some occasions, employers believe it is their right to give or not to give certain information; but a good working environment requires the sharing of pertinent information.

Plenary discussion

- A participant from Philippines asked for further explanation on the link between the collective bargaining agreement process and the grievance procedure. The grievance procedure is supposed to apply if there is a dispute on the interpretation and implementation of a provision for collective bargaining; thus, the grievance procedure may not come into play during the negotiating of a collective bargaining agreement. How is the grievance procedure linked to the collective bargaining agreement process? The group’s presenter explained that the grievance procedure is not included during the negotiation, which means that many small issues should be resolved before going to the negotiation table by applying the grievance procedure system.

Mr Matsui from the Japan Business Federation noted that the grievance procedure must be replaced by day-to-day communication between employers and workers to build an understanding of each other’s views. It seems that parties use the grievance procedure for complaints without knowing each other’s position. The group’s presenter replied that the goal of the grievance procedure is to resolve disputed issues at the lowest level. There is some weight to all matters, but it is not necessary that all the matters be taken to the negotiation table.

- A participant from the Philippines noted that in their country the collective bargaining agreement cannot be approved if there is no grievance procedure enshrined within it. What has been presented refers to the collective bargaining agreement negotiation, which presupposes that there is already a collective bargaining agreement. This is the process of renegotiating the collective bargaining agreement. But what happens if there is a newly recognized union that enters into a collective bargaining negotiation? There is no collective bargaining agreement yet and thus no grievance procedure yet described in the collective bargaining agreement (because there is no agreement). So why is the grievance procedure linked to dispute resolution after that negotiation? The group’s presenter responded that his group agrees there are two scenarios here. One is the first collective agreement when the union is recognized by the employer. The grievance procedure will not have a role because this is the first collective agreement and there must be clear procedures. After this first agreement, then when the union presents its proposal and there is no response within a set number of days, then the next course of action is what was presented earlier. Of course, this is to renew a collective agreement. It expires in some cases after two years or three years, as in Malaysia and Thailand. In the process of renewing a current collective agreement, the grievance procedure can resolve or minimize certain issues.

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- Mr Ritchotte commented that it did sound as if the presenter said there are two different issues at play. One is while the agreement is in effect and the other while the agreement is being negotiated, so there are probably two different roles there. Third-party mediation or arbitration is quite important in collective bargaining to help the parties.

Group B: Indonesia, Singapore and Viet Nam

A participant from Singapore summarized the group's discussion.

One of the biggest obstacles in the collective bargaining process is use of the labour law not as a minimum basis for increasing wages but as a maximum level. A collective bargaining agreement should be better than the labour law. The next biggest obstacle is information sharing. Mainly, information is not forthcoming due to lack of trust: Management thinks that the other party will give pertinent information to competitors or may use it to their advantage; and the union also thinks that management does not want to share information. Negotiation skills and knowledge of market rates, industrial rates, the labour law and what other companies (in other countries) do with the same types of jobs are necessary for union representatives. A company's human resources personnel are not trained to negotiate and lack crucial information because senior management holds it. Some type of training is needed to ensure equal capabilities between the negotiating parties.

Overcoming the obstacles requires mutual trust. And this requires that parties share information and talk to each other. Every negotiation should be prepared with proper justification. A training institution can upgrade the negotiating capabilities of both parties. All parties need to respect and listen to each other. The key thing is that mutual trust is not only built during meetings or before meetings but before parties even begin to dispute certain issues.

As for grievances, there must be a mandatory provision for resolving disputes and grievances in the collective bargaining agreement. The ultimate aim of collective bargaining is an agreement, but the process has to have the trust and the feeling that if there are minor grievances they can be resolved. Some kind of mandatory provision should be there in the collective bargaining agreement to say that there is a procedure to follow. Also, if possible, a government can take on the important task of putting a dispute-solving procedure into legislation. For example, if a negotiation fails, the negotiation fails the legislation, which should specify how many days' time to report and in how many days' time the situation must be resolved. If it cannot be resolved, then it should go to mediation. And if that fails, then it should go to arbitration. Arbitration should be limited to a set number of days. These things cannot drag on for five or ten years; people will lose hope. Having some kind of system specified in the legislation is important. This is not just about dispute solutions but entails grievances, including negotiation. In addition to a grievance procedure, a dispute mechanism is also needed.

Group C: Cambodia, Myanmar and Philippines

A participant from the Philippines presented the group's seven points on obstacles to bargaining.

First, management and workers do not trust each other, although they are supposed to be partners. This is an area in which it will be difficult for a union and management to find compromise. The second obstacle is the determination of the workers' representative. As far as the collective bargaining agent is concerned, the representative must be approved by a majority vote. If there is no agreement, then the union is not going to meet with the management to arrive at a collective bargaining agreement. Management must voluntarily recognize the bargaining agent and then the union can conduct a certification election. Once there is a decision on who is the bargaining agent, then and only then will the duty to bargain begin.

The third obstacle is the presence of lawyers. In most cases, the management panel is assisted by a lawyer, which becomes an obstacle for the union because the treatment that the law provides is already the ceiling when it should be the minimum. In the Philippines, a negotiation is supposed to produce a provision better than what the law provides. The law is only the minimum condition. The fourth obstacle is the mentality of having a union in the company because many companies are family owned and thus they are more or less averse to unionization.

The fifth obstacle is the availability of company records and correct information; sometimes the information that management provides is not accurate. The sixth obstacle is the lack of authority of the negotiating party. Each party should have the authority to negotiate. Union members must pass a resolution authorizing the union panel to negotiate with management. Likewise, the management must have a resolution authorizing the members of the management panel to deal with the union. But each of these panels must be given respective parameters when they negotiate so that they have more or less some amount of elbow room to arrive at a compromise, which is the nature of a negotiation – to arrive at a happy compromise for both parties.

The seventh obstacle is the capacity and/or labour education of both parties. One or both parties typically are not aware of the provisions of the labour laws involved. Overcoming this situation requires some education.

To overcome these obstacles, advocacy and labour education are the first solution. This will go a long way towards making labour-management relations easier because all parties learn through seminars and training what the labour laws provide. Then when parties enter into a collective bargaining negotiation, they will know what they are talking about. The solution also relates to changing the mind set of employers, most especially because many employers are afraid of unions. The second solution is to amend, provide and enact labour laws. One member of the group comes from a country without labour laws or even a labour code or what is there is already obsolete. The third proposal is the sharing of experiences through international conferences to acquire a better bird's eye view of what the labour relations are in other countries and what better practices can be adopted.

To link the alternative dispute resolutions and collective bargaining agreement more effectively, one member of the group suggested that in the event of the negotiation for collective bargaining agreement, if an employer becomes bull-headed and unreasonable, it is better for the union to declare a deadlock immediately and let the government machinery on conciliation, mediation and arbitration take over. This will prevent a protracted negotiation and can shorten the process, with the conclusion of the collective bargaining agreement. If the management declares a deadlock, the union will not move and file a notice of strike. At that time, management should merely fight such a petition with preventive mediation, conciliation or arbitration. This will allow the parties to resolve their differences peacefully. Another intervention would be voluntary arbitrators accredited by the government who try to facilitate the resolution of the collective bargaining agreement through conciliation and mediation and then improve labour-management relations through education. That should be combined with the enforcement of the law and regulation on labour relations. The last link relates to making use of the Single-Entry Approach with conciliation and mediation, which will be a win-win situation.

8. Summary and way forward

Presenter: Mr John Ritchotte, Industrial Relations Specialist, ILO DWT for East and South-East Asia and the Pacific, Ms Chang Jae-Hee, Specialist on Employers' Activities, ILO Decent Work Team for East and South-East Asia and the Pacific and Mr Shigeru Wada, Senior Specialist on Workers' Activities, ILO Decent Work Team for East and South-East Asia and the Pacific

Mr Ritchotte summarized what he found to be an interesting and informative set of sessions. Ideally, he noted, these types of dialogues will continue at the ASEAN level and on a tripartite basis because they offer a rare opportunity for an exchange on these particular issues. Recognizing agreement in the audience, he remarked that the Myanmar delegation talked of wanting to organize a similar seminar in their country. Conceding the possibility for the next experience sharing, he said Yangon or Naypyidaw or whichever city most appropriate could be on the agenda. He thanked everyone for their active participation.

Ms Chang remarked that it is important to understand the current systems and the developments of each other plus the limitations within the process, especially in the context of ASEAN economic integration that takes off in 2015. The past two days involved looking at each other's systems along with possible proposals or suggestions. From the exchange, it is clear that within ASEAN, the level of maturity and development is very diverse. Myanmar has just opened up and only established its dispute settlement law in 2013. Singapore, on the other hand, has four decades of extensive experience. With the different levels of development and systems, there are many trials and errors to share that can make a stronger ASEAN. Employers, workers and governments need more dialogue and sharing of experiences. There are many implications and there is need to talk more about the future; much of what was discussed here was about the past. The Viet Nam delegation highlighted that the wildcat strikes are a serious problem for them, but if the situation does not improve, employers might deem the country not a good location to operate and move elsewhere. That would be a heavy impact on Viet Nam in terms of economic loss and job opportunity loss. "Next year, we need to think ahead in terms of how all of these systems, the different systems, will come into play," said Ms Chang.

The discussion on employers' preparation for the ASEAN Community 2015 started during the last regional seminar. Workers should start to prepare as well. In the future, there will have to be more opportunities in which the tripartite partners can come together to discuss how to make the integration process more fluid and easy.

Mr Wada noted that some common ground has been identified in terms of industrial relations, dispute resolution systems and collective bargaining situations. Mr Wada expressed hope that the atmosphere created in the seminar would be taken back to countries and that tripartism would be exercised in a proper way in each ASEAN country. He singled out the Myanmar delegation for congratulations, because until last year it had never been a tripartite delegation "in an ideal way". This year "they have participated as a full tripartite delegation for the first time", he said, adding it was a development he was very glad to see.

Mr Wada then noted that a two-day meeting is not long enough to discuss deep issues on industrial relations; certain issues were touched upon but there was not enough time to discuss them adequately, such as the issue of the increasing numbers of migrant workers, which may affect industrial relations a great deal, and the increasing use of outsourcing and contractualization, which will be examined at a certain point in the future. He asked that ILO Japan continue this tripartite seminar on industrial relations and to provide an opportunity to government, employer and trade union representatives to come together for several days, not only for discussions but also for developing personal relationships that would have long-lasting benefits. He then congratulated the participants on their good discussion.

9. Special session

Presenter: Ms Shukuko Koyama, Chief Technical Adviser, Dissemination of Employment and Labour Measures for Recovery from the Great East Japan Earthquake as International Public Resources Project

Ms Koyama presented the achievements of the research study on the employment and labour measures initiated during the 18-month recovery period after the tumultuous earthquake and tsunami that struck East Japan in 2011. The research looked for the lessons and good practices from that experience that might be useful within the Asia–Pacific region as well as to the international community. The research found the importance of job creation to be the centre of the recovery process.

In the disaster, she pointed out, around 16,000 people died, although more than 2,600 people remain missing; approximately 270,000 people were displaced from their homes. The economic damage was massive. The disaster actually affected enterprises of all sizes across the country, with the level of impact on employment increasing with the size of the enterprise. Approximately 840,000 jobs were affected across the country and 210,000 people left their job permanently. In total, 3.7 per cent of workers nationally and 7.5 per cent of workers in the three affected prefectures in Tohoku region lost their job. Nearly 36 per cent of workers nationally temporarily left their job while 58 per cent did so in the affected areas, where 77 per cent of workers engaged in fisheries were affected by the tsunami.

The Government's response was swift, and there were good existing mechanisms that greatly helped the situation. The comprehensive social protection system already in place functioned well as a safety net for people affected by the disaster, which contributed to protecting jobs. The existing measures were flexibly used, the eligibility requirement was relaxed and the duration of implementation and coverage was extended. The valuable mechanisms in place included the Employment Insurance System, which is compulsory for any enterprise hiring more than one worker and covers workers automatically. During fiscal year 2010, when the disaster struck, the system covered around 730,000 people. Chief among associated lessons, Ms Koyama found that women seemed to have had more difficulty than men in finding jobs and thus to graduate from the employment insurance system. Another mechanism, the Employment Adjustment Subsidy Programme, was designed to prevent employees from being fired after a natural disaster or human-made crisis. It had been enhanced after the onset of the 2008 financial crisis to beef up its financial resources. After the 2011 disaster, the Government turned to this system, using its subsidies to cover a portion of the temporary leave allowance and workers' salaries, especially those working in small and medium-sized enterprises. Ms Koyama suggested that preparing a comprehensive social protection system would contribute to building stronger disaster resilience in participants' countries.

The Ministry of Health, Labour and Welfare launched a flagship programme, Japan as One. Ms Koyama highlighted what she saw as its three defining characteristics. First, the implementation was rapidly implemented, especially the labour and employment measures. The national framework was designed and launched within 17 days after the disaster hit. Without the quick response, people likely would have moved to other communities.

Second, the interministerial framework entailed an interministerial committee consisting of a Cabinet Office in charge of disaster risk management and five other ministries, including for transportation, agriculture, fisheries, tourism and business. Information on job creation was consolidated under this committee.

Finally, the response applied a phased approach. When a natural disaster hits, people's needs change constantly as time goes by, from the initial need for food, water and temporary shelter to the next stage of employment, relocation, permanent shelter, etc. The project allowed for the modifying of policy activities according to the different needs emerging at different recovery

stages. The first phase concentrated on the creation of emergency jobs; for instance, people were engaged in debris clearance. The purpose was to provide jobs quickly to disaster-affected people. Hello Work, which is a nationwide network of employment information centres, provided details on job opportunities and skills training, even at the devastated branch. Staff from far-away prefectures were temporarily shuttled in to work in the disaster-affected prefectures. In addition to job and other listings, the centres also provided support for management organizations of small and medium-sized enterprises, farmers and fishermen so that subsidies could be used to upgrade businesses and fishermen's associations. The third phase operated with a sky-rocketing budget of ¥6.1 trillion for the five-year time frame, looking at the medium- to long-term recovery. The job creation efforts remain ongoing, but they have started to focus on some specific local economies and industries that have greater prospect for economic growth.

In conclusion, Ms Koyama said that the Government's efforts were geared not only towards a rescue response but investment in future economic growth. Through the Japan as One response, for example, the disaster survivors could access training on new skills to expand their employment options.

Plenary discussion

- A participant from the Philippines asked what the Government of Japan did with donor funds if national resources were spent on the recovery programme. In the Philippines, according to the participant, most disaster-aid funds derive from donations, although some donors do not trust the Government's use of the funds. Ms Koyama explained that it has been a challenging task to decide how to manage the funding from donors. Most donations came through the Japanese Red Cross Society, which has a strong network across the country, so the Government could manage the funds well.
- A participant from Indonesia asked what kind of social security and protection system the Government provided after the earthquake disaster and what percentage of the government budget was allocated as recovery budget each year. Ms Koyama explained that the Government's social protection was mainly the employment insurance and the health insurance, but she did not know about the budgetary issue.
- Mr Iqbal from the Confederation of Indonesian Trade Unions asked whether the employment insurance covered workers in the recess time. Ms Koyama replied that it was not specifically for disaster-affected people. Japan had the employment insurance system in place when the disaster occurred, and the Government decided to cover those people who were affected by the disaster as well. Shinichi Ozawa, Chief Technical Advisor, ILO/Japan Multi-bilateral Programme, added that immediately after the disaster, the Government decided to provide a fixed payment to survivors without requesting any evidence. It was a social protection scheme already established and worked well in that time of great need. He emphasized that social protection is a key issue for disaster awareness.
- A participant from the Philippines asked about the employment insurance system and how much employers and employees bear for the insurance premium. Ms Koyama replied that the delegation from the Government was absent but could respond after they arrived.
- A participant from Thailand asked for more information about the employment adjustment subsidies to secure jobs and what law specifies this system. Ms Koyama explained that the employment adjustment subsidy programme was established to help employers retain workers in times of financial crisis or any sort of upheaval. Through that programme, the Government provides a partial amount of the temporary leave allowance and partially covers the salaries of workers for a certain period of time so that they do not lose their job. This programme was applied during the disaster response.

Mr Matsui from the Japan Business Federation made a supplementary comment on the Government's budget in the disaster-affected area. Roughly ¥2.5 trillion per year (equal to 3 per cent of the Government's annual budget) was and will be spent for the recovery in these areas. There are many schemes available for subsidies to help employers resume their operations. The area hit by the tsunami was massive but not too heavily populated or industrialized. Thus, the Government could afford to support those who were affected. He added that he was not sure if the Philippine Government could afford a similar type of fund to help its disaster-affected areas and that it is important to consider the level of severity in a natural disaster.

- A participant from the Philippines asked about the danger to nearby communities associated with the nuclear power plant and whether such disasters as tsunamis, severe typhoons and floods had yet to discourage Japanese people from proceeding with nuclear power electricity. Ms Koyama said that she could not answer because she is not a specialist on nuclear power generation but that ongoing daily activities were evident and she had not heard of any large-scale bankruptcy of factories because they lacked nuclear power.

Mr Matsui added that there is debate on whether to stick to nuclear power plant energy or switch to alternative resources. There are many challenging issues. For instance, although the former administration was determined to shut down all nuclear power plants, the current administration is determined to resume nuclear power plant generation of power because employers' and the business community suffer from higher prices for energy.

- A participant from Viet Nam asked to clarify the status of social enterprises and whether they arose after the earthquake or if they had functioned before. He also asked for statistics on the number of companies that collapsed as a consequence of the earthquake and how many new companies, especially small and medium-sized enterprises, were established after the earthquake. Ms Koyama responded that in a two-year period, approximately 600 companies went bankrupt. In the first year after the disaster struck, the small and medium-sized enterprises managed to hold on but started to intensively collapse after the first-year mark. Regarding social enterprises, she said that social enterprises had made a major contribution, especially for primary industry, including agriculture and fisheries, which were very unpopular employment options among young people. Social enterprises started rebranding such options as more fashionable and marketable by hiring designers with a low salary to help market products. Other small social businesses have been doing similar to a create supply chain that businesses in the disaster-affected areas could access, if only virtually online, to sell the products.
- A participant from Malaysia asked about the percentage of workers who had been re-engaged of the 840,000 who had lost their job and how is Japan overcoming the issue of worker shortage in agriculture and fisheries, considering that most of the ASEAN countries are relying on migrant workers in those sectors. Ms Koyama replied that she could not access the data, but she thinks that many workers have been retained and that many of them are those who took temporary leave. The majority seemed to go back to their previous employer, at least temporarily right after the disaster. Although the second question refers to something beyond the scope of her research, she said there is now ongoing discussion in Japanese society on whether to allow more migrant workers from neighbouring countries to engage in those sectors. A scheme was in place before the earthquake to accept technical trainees from neighbouring countries in certain industries, such as fisheries and agriculture.
- Mr Wada from the ILO explained that at the time of the earthquake in the Tohoku area, there was a large number of trainees. As well, some migrant workers had been accepted, mainly in fisheries and the fish-processing industry, for example, many Indonesians had been working on Japanese fishing boats. When some of them were affected by the disaster, trade unions in Japan provided immediate relief assistance and the workers were repatriated. There

is as yet no in-depth survey or research work on the migrant activity, but Indonesian fisheries workers are returning to Japan.

- Ms Okubo, who is the Director of the Japanese Trade Union Confederation – RENGO, commented on the protection of workers engaged in agriculture and fisheries in the affected areas. She explained that they had had no choice but to seek employment in other industries after the disaster because of the severe damage caused by the tsunami and that they went from self-employed to employees. At the same time, they received assistance from the employment insurance. The trade unions requested better protection for such workers, and the Government decided to increase the support beyond the minimum wage for the affected areas.
- Ms Chang from the ILO referred to the situation in the Philippines after Typhoon Haiyan, explaining that the agricultural areas were most affected and workers who had been engaged with coconut tree oil and palm tree oil production could not return to those jobs because it takes about seven years to grow a palm tree. What are workers to do in those seven years and how can they be retrained with skills useful elsewhere? In terms of Japan and when the farmers and fishermen were seeking employment, did the employment opportunities originate more so through a government and private sector partnership initiative or was it more the Government leading? Did they go back to their original jobs or to new employment opportunities? Ms Okubo replied that she had no statistics to respond, but of the workers who lost their jobs in agriculture and fisheries, some went to other locations to seek employment, some stayed in the affected areas to seek a job and some were lucky enough to return to their original job, mainly because they were fishermen. The farmers were severely affected, and it takes time to resume work at the level they had before the disaster. She suggested checking with government officials for the statistical information.
- Mr Ozawa from the ILO/Japan Multi-bilateral Programme said that unfortunately the government officials from Japan could not make it, but the Government has extended the Japan as One programme. Currently, the data is being corrected and evidence on what they have learned is being collected and the next stage is to consider how to use the information. They would like to disseminate the results to other Asian countries, especially the Philippines.

Annex I. Seminar agenda

The Sixth Regional Seminar on Industrial Relations in the ASEAN Region on Trends and Good Practices of Collective bargaining and Dispute Resolution – With Prospects to 2015 ASEAN Integration

Conducted at the Makuhari International Training Center, Japan, 26–27 February 2014

Time	26 February 2014	27 February 2014
09.00–09.30	Registration	Recap of day 1
09.30–11.30	Special session Knowledge sharing and lesson learned from ILO/Japan Project on Dissemination of Employment and Labour Measures for Recovering from the Great East Japan Earthquake as International Public Resources	Session 4 Fixing wages through collective bargaining – Review of experience and trends <i>Presentation: Cambodia, Indonesia, Malaysia and Thailand</i>
11.30–12.30	Networking lunch: Group meetings for workers, employers and governments	Session 5: Group work A) Lao People's Democratic Republic, Malaysia and Thailand B) Indonesia, Singapore and Viet Nam C) Cambodia, Myanmar and the Philippines Networking lunch
12.30–13.00	Opening session/remarks - ILO Regional Office for Asia and the Pacific - ASEAN Secretariat - Ministry of Health, Labour and Welfare, Government of Japan	Session 6 Reporting back, discussion and summary/conclusions
13.00–13.45	Session 1 Overview of collective bargaining and dispute resolution developments in the region Plenary discussion <i>Presentation: ILO Specialist</i>	
13.45–14.30	Session 2 Building collective bargaining and dispute resolution in transition countries <i>Presentation: Lao People's Democratic Republic, Myanmar and Viet Nam</i>	Coffee break Session 7 Knowledge sharing on legislative systems relating to industrial relations among ASEAN Member States
15.00–16.15	Session 3 Role of conciliation, mediation and arbitration in facilitating collective bargaining <i>Presentation: Philippines, Singapore and Japan</i>	
16.15–17.15	Q&A session and summary of the day	
18.15–19.45	Welcome reception	

Annex II. Participants

The following people participated in the Sixth Regional Seminar on Industrial Relations in the ASEAN Region on Trends and Good Practices of Collective bargaining and Dispute Resolution – With Prospects to 2015 ASEAN Integration.

Cambodia

1. Mr Vudthy Hou
Under Secretary of State
Ministry of Labour and Vocational Training (MOLVT)
2. Mr Pret So Uot
Legal Officer
Cambodian Labour Confederation (CLC)

Indonesia

3. Mr Decky Haedar Ulum
Head of Section, The Collective Bargaining Agreement
Directorate General of Industrial Relations and Social Security Workers
Ministry of Manpower and Transmigration (MOMT)
4. Ms Endang Susilowati
Chairman of Legal and Advocacy
National Board of APINDO
Employers' Association of Indonesia (APINDO)
5. Mr Said Iqbal
President
Confederation of Indonesian Trade Unions (KSPI/CITU)

Lao People's Democratic Republic

6. Mr Phetsavang Sounnalath
Deputy Director General
Department of Labor Management
Ministry of Labour and Social Welfare (MOLSW)
7. Mrs Daovading Phirasayphithak
Chief of Employers' Bureau Activities
Lao National Chamber of Commerce and Industry (LNCCI)
8. Ms Chanphen Maniseng
Head of Division
Lao Federation of Trade Unions (LFTU)

Malaysia

9. Ms Saadiah Binti Saad
Senior Assistant Director
Ministry of Human Resources (MOHR)
10. Mr Tan Kee Tett
Senior Consultant – Industrial Relations
Malaysian Employers' Federation (MEF)
11. Mr Gopal Kishnam Nadesan
Secretary General
Malaysian Trades Union Congress (MTUC)

Myanmar

12. Mr Than Win
Director General
Department of Labour Relations
Ministry of Labour, Employment and Social Security (MOLES)
13. Ms Ma Khine Zaw
Managing Director of Earth Industrial Myanmar Co. Ltd.
Union of Myanmar Chamber of Commerce and Industry (UMCCI)
14. Mr Pyi Thit Nyunt Wai
General Secretary
Federation of Trade Union Myanmar

Philippines

15. Mr Johnson G. Cañete
Regional Director
Department of Labor and Employment (DOLE)
16. Mr Antonio H. Abad, Jr.
Governor
Employers Confederation of the Philippines (ECOP)
17. Mr Jose Cayobit
Union President
Federation of Free Workers (FFW)

Singapore

18. Mr Lai Thiam Keong
Senior Assistant Director (Labour Relations)
Ministry of Manpower (MOM)
19. Mr Toh Hong Seng
Deputy Director, IR and HR Advisory Services
Singapore National Employers Federation (SNEF)
20. Mr Karthikeyan Krishnamurthy
General Secretary, UWPI
Vice President, SNTUC
Singapore National Trades Union Congress (NTUC)

Thailand

21. Mr Pongtep Chandaragga
Labour Specialist, Practitioner Level
Ministry of Labour (MOL)
22. Ms Siriwan Romchatthong
Secretary General
Employers' Confederation of Thailand (ECOT)

Viet Nam

23. Ms Pham Thi Chung
Center for Industrial Relations Development (CIRD)
Ministry of Labour, Invalids and Social Affairs (MOLISA)

-
24. Mr Phung Quang Huy
Director
Bureau for Employers' Activities
Viet Nam Chamber of Commerce and Industry (VCCI)
 25. Ms Vu Le Thanh
Official
Vietnam General Confederation of Labour (VGCL)

ASEAN Secretariat

26. Ms Mega Irena
Assistant Director and Head
Social Welfare, Women, Labour and Migrant Workers Division
27. Ms Ruri Narita Artiesa
Technical Officer Labour and Migrant Workers
Social Welfare, Women, Labour and Migrant Workers Division

Japan

28. Mr Akira Isawa
Assistant Minister for International Affairs
Ministry of Health, Labour and Welfare (MHLW)
29. Mr Yasuo Ariga
Deputy Director
Ministry of Health, Labour and Welfare (MHLW)
30. Mr Tasturo Kato
Minister's Secretariat
Ministry of Health, Labour and Welfare (MHLW)
31. Mr Hiroyuki Matsui
Co-Director, International Cooperation Bureau
Japan Business Federation (KEIDANREN)
32. Mr Soichiro Mikata
Assistant Manager
Human Resources Division
Overseas Human Resources Management Department
Labor Risk Management Group
Honsha, Toyota Motor Corporation
33. Ms Akiko Okubo
Director, International Division
Japanese Trade Union Confederation – RENGO (JTUC-RENGO)
34. Mr Ryuichi Ikota
Section Chief, International Division
Japanese Trade Union Confederation – RENGO (JTUC-RENGO)

International Labour Organization

35. Mr Shunichi Uemura
Deputy Director
ILO Tokyo Office

-
36. Mr John Ritchotte
Specialist on Labour Relations and Labour Administration
ILO Decent Work Team for East and South-East Asia and the Pacific
 37. Ms Chang Jae-Hee
Specialist on Employers' Activities
ILO Decent Work Team for East and South-East Asia and the Pacific
 38. Mr Shigeru Wada
Senior Specialist on Workers' Activities
ILO Decent Work Team for East and South-East Asia and the Pacific
 39. Ms Shukuko Koyama
Chief Technical Advisor
Dissemination of Employment and Labour Measures for Recovery from the Great East Japan Earthquake as International Public Resources Project
 40. Mr Shinichi Ozawa
Chief Technical Advisor and Overall Coordinator
ILO/Japan Multi-bilateral Programme
ILO Regional Office for Asia and the Pacific
 41. Mr Sho Sudo
Programme and Operations Specialist
ILO/Japan Fund for Building Social Safety Nets in Asia and the Pacific
ILO Regional Office for Asia and the Pacific
 42. Ms Manida Pongsirak
Programme Officer
ILO/Japan Multi-bilateral Programme
ILO Regional Office for Asia and the Pacific

Resource person

43. Ms Natsu Nogami
Consultant

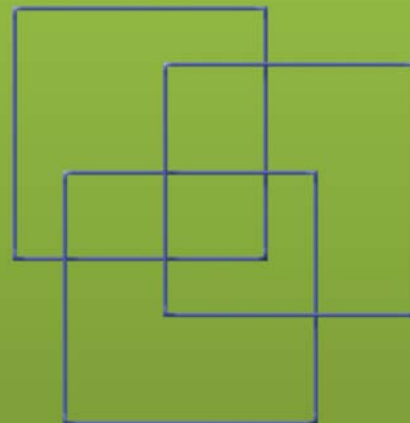
Observers

44. Ms Hana Nurlela Nawawi
Head of Advocacy Services
Employers' Association of Indonesia (APINDO)
45. Ms Liem Silva Lie Hun
Deputy Head of Labour Non-wages Law and Policy
Employers' Association of Indonesia (APINDO)
46. Mr Koichi Mariko
International Cooperation Bureau
Japan Business Federation (KEIDANREN)

Report of the Sixth Regional Seminar on Industrial Relations in the ASEAN Region

This volume contains the report of the Sixth Regional Seminar on Industrial Relations in the ASEAN Region, under the ASEAN-ILO/Japan Industrial Relations Project. The theme for this seminar is “Trends and Good Practices of Collective Bargaining and Dispute Resolution – With Prospects to 2015 ASEAN Integration”. The seminar was attended by tripartite representatives from the ASEAN Member Countries and Japan, taking place in Chiba, Japan on 26 and 27 February 2014.

The Regional Seminar on Industrial Relations is one of the project’s main activities. It is held annually. The project spreads over a three-year period, with the overarching theme “Building Better Industrial Relations towards ASEAN Integration”. The project seeks to promote constructive industrial relations among ASEAN countries based on uniformity of basic norms and good practices, social partnership, tripartism and social dialogue.



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