



Republic of the Philippines
Bangsamoro Autonomous Region in Muslim Mindanao
BANGSAMORO TRANSITION AUTHORITY PARLIAMENT
Bangsamoro Government Center, Cotabato City



FOURTH REGULAR SESSION

BANGSAMORO AUTONOMY ACT NO. 82

Begun and held in Cotabato City, on Thursday, the 15th day of September 2022.

**AN ACT INSTITUTING A LABOR AND EMPLOYMENT CODE FOR THE
BANGSAMORO AUTONOMOUS REGION TO AFFORD PROTECTION TO
LABOR, PROMOTE EMPLOYMENT AND HUMAN RESOURCES
DEVELOPMENT, ENSURE INDUSTRIAL PEACE BASED ON SOCIAL
JUSTICE, AND FOR OTHER RELATED PURPOSES**

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

SECTION 1. *Name of Act.* – This Act shall be known as the “*Bangsamoro Labor and Employment Code of 2025.*”

SEC. 2. *Purpose.* – This Code is promulgated to provide a framework for labor and employment that is responsive to the needs, ideals, aspirations, and reflective of the culture and traditions of the Bangsamoro.

SEC. 3. *Scope.* – This Act shall apply to all employers, employees, and other types of workers within the territorial jurisdiction of the Bangsamoro Autonomous Region in Muslim Mindanao (BARMM).

SEC. 4. *Declaration of Basic Principles.* – The Bangsamoro Government shall afford full protection to labor, local and overseas, organized and unorganized, and promote full employment and equality of employment opportunities for all.

The Bangsamoro Government shall guarantee and uphold the fundamental rights of all workers, local and overseas, whether publicly or privately employed, to self-organization, collective bargaining and negotiations, and peaceful concerted activities, including their right to strike and their right to participate in policy and decision-making processes affecting their rights and benefits, in accordance with the Philippine Constitution, the Organic Law for the Bangsamoro Autonomous Region in Muslim Mindanao (OLBARMM), and this Code. The rights of workers to security of tenure, humane conditions of work, and a living wage shall be guaranteed.

The Bangsamoro Government shall promote equal pay for equal work and adopt policies that ensure gender equality in all sectors of employment. Special attention shall be given to women in traditionally

male-dominated industries and to men in female-dominated roles, fostering an inclusive and balanced workforce.

The Bangsamoro Government shall actively work to ensure that vulnerable groups, including but not limited to, children, indigenous peoples, persons with disabilities, and elderly individuals, are protected against discrimination in the workplace. Efforts shall be made to promote their active participation in all forms of employment, including special schemes for their training, employment, and skills development.

The Bangsamoro Government shall protect labor against any form of discrimination.

Trafficking, forced labor, and other forms of exploitation of persons, especially children, elderly, women, indigenous peoples, and other vulnerable groups, shall not be tolerated. Children, particularly orphans of tender age, shall be protected from engagement in any hazardous or deleterious forms of employment.

SEC. 5. *Construction in Favor of Labor.* – All doubts in the implementation and interpretation of the provisions of this Code, including its implementing rules and regulations, as well as employment contracts, shall be liberally construed in favor of labor.

SEC. 6. *Rule-Making Authority.* – The Ministry of Labor and Employment (MOLE) shall promulgate the necessary implementing rules and regulations, which shall take effect fifteen (15) days after their publication in a newspaper of general circulation in the BARMM, pursuant to Section 269 of this Code.

BOOK I PRE-EMPLOYMENT

SEC. 7. *Statement of Objectives.* – It is the policy of the Bangsamoro Government to:

- a) Pursue, as a major goal, an active policy designed to promote full, productive, and freely chosen employment with a view to stimulating economic growth and development, raising standards of living, meeting human resource requirements, and overcoming unemployment and underemployment;
- b) Ensure an environment that encourages greater employment and entrepreneurship opportunities; provide comprehensive support to existing and emerging businesses, particularly micro, small, and medium enterprises; and improve the employability, productivity, and competitiveness of workers in the BARMM in pursuit of poverty reduction through decent jobs, sustainable enterprises, and economic transformation;
- c) Promote dynamic and relevant human resource training and the development of entrepreneurial skills, competitiveness, and productivity among all Bangsamoro workers;

- d) Protect the rights and dignity of every worker in the BARMM desiring to work locally or overseas, whether organized or unorganized, in the formal or informal economy, by securing for them the best possible terms and conditions of employment, access to social benefits, fair wages, and protection against exploitation, and by providing a framework for formalizing the informal economy to help workers in the informal sector transition into the formal labor market;
- e) Regulate the employment of foreign nationals in the BARMM, including the establishment of a registration and/or work permit system;
- f) Strengthen the network of public employment offices and rationalize private sector participation in the recruitment, training, and placement of workers, locally and overseas;
- g) Guarantee that the overseas employment program shall uphold the dignity and fundamental human rights and freedoms of every worker in the BARMM through the accreditation and regulation of private recruitment agencies, and the provision of comprehensive reintegration programs; and
- h) Ensure that programs and policies affecting workers in the BARMM are culturally- and gender-sensitive, promote women's empowerment in the workforce, including access to equal pay, leadership positions, and maternity benefits, create safe working environments free from gender-based violence and harassment.

SEC. 8. *Minimum Employable Age.* – Except as provided in Chapter III on Regulations on Working Children under Title V of this Book, the minimum employable age within the BARMM is eighteen (18) years old.

SEC. 9. *Private-Sector Participation in the Recruitment and Placement of Workers.* – To harness and maximize the use of private-sector resources and initiative in the development and implementation of a comprehensive employment program, the private sector shall be allowed to participate in the recruitment and placement of workers, both locally and overseas, under such rules and regulations as issued by MOLE.

TITLE I HUMAN RESOURCE DEVELOPMENT

CHAPTER I TECHNICAL-VOCATIONAL, INNOVATION TECHNOLOGY, AND ENTREPRENEURSHIP TRAINING

SEC. 10. *Bangsamoro Technical-Vocational, Innovation Technology, and Entrepreneurship Training Program.* – MOLE, in coordination with the Ministry of Basic, Higher, and Technical Education (MBHTE), the Ministry of Trade and Investment, and Tourism, constituent local government units (LGUs), other relevant agencies, and duly accredited training institutions, shall ensure the provision of free technical,

vocational, innovation technology, and entrepreneurship training to enhance the employability of BARMM workers and meet the demands of the region's economic development for a skilled and technologically competitive human resource.

Training on digital entrepreneurship, which refers to the creation of new ventures or the transformation of existing businesses through the development of novel digital technologies and/or new uses of such technologies, shall also be provided, including the formulation of a regional digital technology and innovation skills roadmap.

CHAPTER II

YOUTH EMPLOYMENT BRIDGING PROGRAM

SEC. 11. *Special Program for Employment of Bangsamoro Students and Youth (SPEBSY).* – MOLE shall implement a special employment-bridging program for Bangsamoro students and youth, which shall provide temporary employment to poor but deserving Bangsamoro students and youth during summer and/or vacation periods, or at any time of the year, to augment family income and help ensure that beneficiaries are able to pursue their education.

SEC. 12. *Qualifications for SPEBSY.* – The following qualifications shall be required of the Bangsamoro applicant:

- a) He or she must be a student, Out-of-School Youth, or a youth dependent of displaced or would-be displaced workers, at least fifteen (15) but not more than thirty (30) years of age;
- b) The combined net income after tax of the parents, including the applicant's own income, if any, shall not exceed the regional poverty threshold; and
- c) Such other qualifications as may be prescribed by the MOLE.

SEC. 13. *Bangsamoro Internship Development Program (BIDP).* – MOLE, in coordination with the concerned agencies, shall implement a BIDP, which shall provide internship opportunities for high school, technical-vocational, or college graduates, including Islamic degree holders, who want to pursue a career in public service, either in constituent local government units, in the BARMM, or in the National Government.

SEC. 14. *JobStart Program.* – MOLE shall implement the JobStart Program to enhance the employability of Bangsamoro youth and improve their integration into productive employment through the provision of full-cycle employment facilitation services, including job search assistance, free technical and life skills training, placement in internships, and job referrals from the Public Employment Service Offices (PESOs).

SEC. 15. *On-the-Job Training.* – On-the-job training required by the school or training program curriculum, or as a requisite for graduation, certification, and/or board examination, shall be regulated by MOLE.

TITLE II LOCAL EMPLOYMENT FACILITATION

SEC. 16. *Establishment of the Public Employment Service Office (PESO).* – Pursuant to the BARMM’s declared policy of full employment opportunities, there shall be established in all provinces, cities, and municipalities a Public Employment Service Office, hereinafter referred to as “*PESO*”, which shall be operated and maintained by the constituent LGUs. PESOs shall be linked to MOLE for coordination and technical supervision, and to the Department of Labor and Employment (DOLE), to form part of the national public employment service network.

PESOs shall be under the office of the governor, city or municipal mayor. PESOs shall initially be organized by and composed of a PESO manager and may be assisted by MOLE, as may be determined by the constituent LGU.

Upon the request of accredited non-government organizations (NGOs) or educational institutions (EIs), MOLE may enter into a memorandum of agreement with the concerned NGO or EI to establish, operate, and maintain a PESO and a job placement office, respectively.

To harmonize the provision of employment services within a given territorial jurisdiction, the PESO established at NGOs and the job placement offices in EIs shall coordinate their activities with the appropriate LGU-PESO.

SEC. 17. *Job Vacancy Report.* – Subject to such rules and regulations that may be issued by the MOLE, all employers within the BARMM shall submit job vacancy reports and other relevant employment data to MOLE.

SEC. 18. *Special Recruitment Activities (SRAs).* – MOLE shall conduct organized job fairs and SRAs in all areas of the BARMM.

SEC. 19. *Labor Market Information.* – MOLE shall develop and maintain a labor market information system for the BARMM to support effective human resource planning, policy formulation, and employment facilitation.

To this end, MOLE shall regularly provide up-to-date information to employers and potential employees on future labor market conditions by occupation, in-demand jobs, and skills shortages through client-specific information, education, and communication materials.

TITLE III OVERSEAS EMPLOYMENT REGULATIONS

SEC. 20. *Definition of Terms.* –

- a) "*Overseas Bangsamoro Worker (OBW)*" – refers to an OFW from BARMM. The term OBW is synonymous with OFW.
- b) "*Overseas Filipino Worker (OFW)*" – refers to a Filipino who is to be engaged, is engaged or has been engaged in a remunerated activity in a country of which he or she is not an immigrant, citizen, or permanent resident, or is not awaiting naturalization, recognition, or admission, whether land-based or sea-based, regardless of status, excluding a Bangsamoro engaged under a government-recognized exchange visitor program for cultural and educational purposes. For purposes of this provision, a person engaged in a remunerated activity includes a person who has been contracted for overseas employment but has yet to leave the Philippines, regardless of status, and includes "*Overseas Contract Workers.*" The term "*OFW*" is synonymous with "*Migrant Worker.*"
- c) "*Recruitment and Placement*" – refers to any act of canvassing, enlisting, contracting, transporting, utilizing, hiring or procuring workers, and includes referrals, contracts, services, promising, or advertising for employment, locally or abroad, whether for profit or not: *Provided, That* when any person or entity, in any manner, offers or promises for a fee, employment to two or more persons, a presumption is created that the person is engaged in recruitment and placement.

SEC. 21. *Regulations on Overseas Employment.* – MOLE shall, consistent with the Bangsamoro Government's policies and objectives, regulate recruitment and placement activities for overseas employment as authorized within the BARMM. The Ministry shall implement the provisions of Bangsamoro Autonomy Act No. 9, or the "*Recruitment Agency Regulations Act of 2020*", Bangsamoro Autonomy Act No. 19 or the "*Overseas Bangsamoro Workers Act of 2020*", and such other related laws as may be enacted by the Bangsamoro Parliament and other national laws.

SEC. 22. *Ban on Direct-Hiring.* – No employer may hire a worker in BARMM for overseas employment except through entities authorized by MOLE.

SEC. 23. *Registration and Accreditation.* – Recruitment agencies not registered with the Department of Migrant Workers (DMW) must register with MOLE before they can engage in any recruitment activities in BARMM.

DMW-registered recruitment agencies intending to recruit within BARMM must secure accreditation from MOLE to be recognized as conducting legitimate recruitment activities in the region.

All recruitment and employment agencies operating or recruiting within BARMM are required to establish a physical office in the region.

The registration or accreditation shall be valid for three (3) years and shall be renewed at least sixty (60) days prior to its expiration.

SEC. 24. *Suspension and Cancellation of Certificate of Accreditation or License to Operate.* – MOLE may suspend or cancel the registration or accreditation of any recruitment and placement agency for violation of the provisions of Bangsamoro Autonomy Act Nos. 9 and 19, this Title, other relevant laws, and implementing rules and regulations issued by MOLE.

SEC. 25. *Power to Inspect and Publication.* – MOLE shall conduct inspections to ensure compliance with this Title and shall regularly publish an updated list of registered and accredited recruitment agencies in a newspaper of general circulation or on its website.

SEC. 26. *Disqualified Individuals and Entities.* – No registration or accreditation shall be issued to the following disqualified persons and/or individuals:

- a) Travel agencies and sales agencies of airline companies;
- b) Officers or members of the board of any corporation, or partners in a partnership, engaged in the business of a travel agency;
- c) Corporations and partnerships in which any of their officers, members of the board, or partners is likewise an officer, member of the board, or partner of another corporation or partnership engaged in the business of a travel agency;
- d) Individuals, partners, officers, or directors of an insurance company who make, propose, or provide an insurance contract under the compulsory insurance coverage for agency-hired OBWs;
- e) Sole proprietors, partners, officers, or members of the board who have derogatory records; and
- f) Any official or employee of the Bangsamoro Government, its ministries, offices, and agencies, and the National Government, its branches, subdivisions, instrumentalities, and agencies, including government-owned or controlled corporations, DOLE, DMW, Overseas Workers Welfare Administration, Department of Foreign Affairs, Department of Justice, Department of Health, Bureau of Immigration, Insurance Commission, National Labor Relations Commission, Technical Education and Skills Development Authority (TESDA), Commission on Filipinos Overseas, National Bureau of Investigation, Philippine National Police (PNP), Civil Aviation Authority of the Philippines, international airport authorities, and other government agencies directly involved in the implementation of existing laws on overseas employment, and/or any of their relatives within the fourth civil degree of consanguinity or affinity.

Those found guilty of violating the provisions of this Code shall be charged with illegal recruitment and, without prejudice, in the case of employees of the National Government or of the Bangsamoro Government, shall be subject to perpetual disqualification from government service.

TITLE IV PUBLIC SECTOR WORKERS

SEC. 27. *Declaration of Policy.* – It is the policy of the Bangsamoro Government to promote the rights of government employees to self-organization, collective negotiation, and peaceful concerted activities, and participation in policy and decision-making processes affecting their rights and benefits.

SEC. 28. *Applicability of this Code to Public Sector Workers.* – Except for human resource actions and matters, the exercise of the right to self-organization and to collective negotiation by all employees in the Bangsamoro Government, including those in Bangsamoro-owned and controlled corporations with original charters, shall be governed by this Code, relevant provisions of Chapter II, Book IV of the Bangsamoro Civil Service Code, and other applicable laws. For this purpose, the necessary implementing rules and regulations shall be issued by MOLE, in coordination with the Civil Service Commission.

SEC. 29. *Rights of Contract of Service and Job Order Employees.* – The rights of consultants, or those hired under contract of service or job order arrangements, to self-organization, collective negotiation, to safe working conditions, to social dialogue, to hold peaceful concerted activities, and to representation, who are not appointed or elected to government office, and who are private-sector workers engaged directly or indirectly by government offices or agencies within the BARMM, shall be governed by this Code.

TITLE V SPECIAL WORKERS

CHAPTER I DIFFERENTLY-ABLED PERSONS

SEC. 30. *Employment of Differently-Abled Persons.* – Differently-Abled Persons are those whose earning capacity is limited by physical or mental deficiency or injury. They shall be afforded employment opportunities to encourage and promote their productivity, participation, and contributions to the Bangsamoro economy.

SEC. 31. *Equal Opportunity for Employment.* – Private corporations with more than one hundred (100) employees shall mandatorily reserve at least one percent (1%) of all positions for Differently-Abled Persons. Failure to comply with this mandatory reservation shall subject the employer to the penalties as provided in this Code.

Within BARMM government agencies, offices, or corporations, at least one percent (1%) of all positions shall be allocated for Differently-Abled Persons. They shall be entitled to compensation, benefits, working conditions, and all the rights of a worker provided in this Code.

No establishment, organization, or individual, whether in the public or private sector, shall discriminate against any Differently-Abled Person in any aspect of employment. This includes, but is not limited to, recruitment, hiring, promotion, compensation, training, and other terms, conditions, and privileges of employment.

Any act of limiting, segregating, or classifying Differently-Abled Persons in a manner that adversely affects their employment opportunities is hereby prohibited.

SEC. 32. *Compliance with Accessibility Requirements.* – To enable Differently-Abled Persons to access employment opportunities and to perform the essential functions of their positions on an equal basis with others, all establishments, whether private or public, shall install and incorporate architectural facilities or structural features as may be reasonably necessary to enhance the mobility and the performance of their functions, such as lifts and hoists, grab bars, handrails, sidewalks, ramps, dedicated parking spaces, and the like. All establishments shall also provide ramps, tactile guides, priority lanes, accessible toilets, audio instructions, signage, and other forms of communication in accessible formats to facilitate independent mobility within the facility. Adaptive work schedules, workstation assignments, and other workplace adjustments shall also be observed.

MOLE shall issue the rules and regulations implementing this Section.

SEC. 33. *Employment Agreement.* – The employment of Differently-Abled Persons shall be covered by an employment agreement, which shall be written in a language or dialect understood by both parties and shall, at a minimum, include the following:

- a) The name and address of the Differently-Abled Person to be employed;
- b) Compensation, benefits, working conditions, and the rights of the Differently-Abled Person;
and
- c) The duration of employment, scope of work, schedule, and other terms and conditions of employment.

All such employment agreements shall be submitted to MOLE within five (5) days from their execution for registration and inclusion in the registry of employed Differently-Abled Persons.

The employment and working conditions of a Differently-Abled Person shall be subject to periodic inspection by MOLE.

CHAPTER II

SPECIAL EMPLOYMENT FOR ELDERLY WORKERS

SEC. 34. *Statement of Objectives.* – This Chapter aims to:

- a) Tap the expertise of elderly persons who are actively looking for work, available, and physically and mentally fit to contribute to the Bangsamoro economy; and
- b) Establish a special employment program for the elderly, with the participation of employers, workers, and all branches, subdivisions, instrumentalities, and agencies of the government, including government-owned and controlled corporations, and non-government agencies.

SEC. 35. *Special Employment Program for the Elderly.* – MOLE, in coordination with the Ministry of Social Services and Development and the National Commission of Senior Citizens, shall develop and implement a Special Employment Program for Elderly Workers to tap into their experience and skills by re-engaging them under a Special Employment Agreement. This Agreement shall specify the terms and conditions of their employment in specific enterprises and for occupations identified as fit for elderly workers. Elderly workers under this program shall receive not less than the applicable minimum wage, of which forty percent (40%) shall be subsidized by MOLE and sixty percent (60%) by the employer. This Section is without prejudice to the creation of the Bangsamoro Equivalent of a Commission for Senior Citizens.

For purposes of this Section, “*elderly workers*” refers to persons who are at least sixty (60) years old, have already retired, are actively seeking employment, and are physically and mentally fit for work as certified by a government physician.

CHAPTER III

REGULATIONS ON WORKING CHILDREN

SEC. 36. *Employment of Children.* – Children below eighteen (18) years of age shall not be employed anywhere in the BARMM, except under the following conditions:

- a) When a child works directly under the sole responsibility of his or her parents or legal guardian, and where only members of his or her family are employed: *Provided, however,* That such employment neither endangers the child’s life, safety, health, or morals, nor impairs his or her normal development: *Provided, further,* That the parent or legal guardian shall ensure that the child receives the prescribed primary and/or secondary education; or
- b) Where a child’s employment or participation in public entertainment or information through cinema, theater, radio, television, or other forms of media is essential: *Provided,* That the employment contract is concluded by the child’s parents or legal guardian, with the express

agreement of the child concerned, if possible, and with the approval of MOLE: *Provided, further,* That the following requirements shall, in all instances, be strictly complied with:

1. The employer shall ensure the protection, health, safety, morals, and normal development of the child;
2. The employer shall institute measures to prevent the child's exploitation or discrimination, taking into account the system and level of remuneration and the duration and arrangement of working time; and
3. The employer shall formulate and implement, subject to the approval and supervision of competent authorities, a continuing program for training and skills acquisition for the child.

In the above exceptional cases where a child may be employed, the employer shall first secure, prior to such employment, a work permit from MOLE, which shall ensure observance of the foregoing requirements.

Employers shall be required to provide a pre-orientation seminar to the intended child worker and his or her parents on the first day of employment.

SEC. 37. *Prohibition Against Child Discrimination.* – No employer shall discriminate against any child with respect to the terms and conditions of employment on account of the child's status as such.

SEC. 38. *Hours of Work of a Working Child.* –

- a) A child below fifteen (15) years of age may be allowed to work for not more than twenty (20) hours a week: *Provided,* That such work shall not exceed four (4) hours in any given day;
- b) A child fifteen (15) years of age but below eighteen (18) years of age shall not be allowed to work for more than eight (8) hours a day, and in no case beyond forty (40) hours a week; and
- c) No child below fifteen (15) years of age shall be allowed to work between eight o'clock in the evening and six o'clock in the morning of the following day; and no child fifteen (15) years of age but below eighteen (18) years of age shall be allowed to work between ten o'clock in the evening and six o'clock in the morning of the following day.

SEC. 39. *Ownership, Use, and Administration of the Working Child's Income.* – The wages, salaries, earnings, and other income of the working child shall belong to him or her in ownership and shall be set aside primarily for his or her support, education, or skills acquisition, and secondarily for the collective needs of the family: *Provided,* That not more than twenty percent (20%) of the child's income may be used for the collective needs of the family. Further, the income of the working child and/or the property acquired through the work of the child shall be administered by both parents. In the absence or

incapacity of either parent, the other parent shall administer the same. In case both parents are absent or incapacitated, the order of preference in parental authority shall be in accordance with the Family Code of the Philippines, as amended, or the Code of Muslim Personal Laws of the Philippines, as amended, as may be applicable.

SEC. 40. *Trust Fund to Preserve Part of the Working Child's Income.* – The parent or legal guardian of a working child below eighteen (18) years of age shall set up a trust fund for at least thirty percent (30%) of the child's earnings, if such wages, salaries, or other income amount to at least Two Hundred Thousand Pesos (PHP200,000.00) annually. The parent or legal guardian shall render a semi-annual accounting of the trust fund to MOLE. The child shall have full control over the trust fund upon reaching the age of majority.

SEC. 41. *Prohibition Against Worst Forms of Child Labor.* – No child shall be engaged in the worst forms of child labor. The phrase "*worst forms of child labor*" shall refer to any of the following:

- a) All forms of slavery or similar practices where a person, establishment, or entity exercises any or all powers of ownership over a child, such as trafficking of children, debt bondage, serfdom, or forced or compulsory labor, including the recruitment of children for use in armed conflict;
- b) The use, procuring, offering, or exposing of a child for prostitution, including sexual abuse or exploitation, or for the production, creation, or distribution of child sexual abuse or exploitation material, or child sexual abuse material, or for pornographic performances;
- c) The use, procuring, or offering of a child for illegal or illicit activities, including the production and trafficking of dangerous drugs and volatile substances prohibited under existing laws; or
- d) Work which, by its nature or the circumstances in which it is carried out, is hazardous or likely to be harmful to the health, safety, or morals of children, such that it:
 1. Debases, degrades, or demeans the intrinsic worth and dignity of a child as a human being;
 2. Exposes the child to physical, emotional, or sexual abuse, or is highly stressful psychologically, or may prejudice morals;
 3. Is performed underground, underwater, or at dangerous heights;
 4. Involves the use of dangerous machinery, equipment, and tools, such as power-driven or explosive power-actuated tools;
 5. Exposes the child to physical danger such as but not limited to dangerous feats of balancing, physical strength, or contortion, or requires the manual transport of heavy loads;

6. Is performed in an unhealthy environment exposing the child to hazardous working conditions, elements, substances, co-agents, or processes involving ionizing radiation, fire, flammable substances, noxious components, or extreme temperatures, noise levels, or vibrations;
7. Is performed under particularly difficult conditions;
8. Exposes the child to biological agents such as bacteria, fungi, viruses, protozoans, nematodes, and other parasites; or
9. Involves the manufacture or handling of explosives and other pyrotechnic products.

SEC. 42. *Prohibition on the Employment of Children in Certain Advertisements.* – No child shall be employed as a model in any advertisement that directly or indirectly promotes alcoholic beverages, intoxicating drinks, tobacco and its by-products, gambling, or any form of violence or pornography.

SEC. 43. *Penal Provisions.* – MOLE shall impose a fine of not less than Fifty Thousand Pesos (PHP50,000.00) but not more than Five Million Pesos (PHP5,000,000.00) for any violation of this Chapter, depending on the gravity of the offense, without prejudice to administrative, civil, or criminal penalties that may be imposed under existing laws.

CHAPTER IV DOMESTIC WORKERS

SEC. 44. *Definition of Terms.* –

- a) “*Domestic worker*” or “*Kasambahay*” – refers to any person engaged in domestic work within an employment relationship, including, but not limited to, general househelp, nursemaid or “yaya”, cook, gardener, or laundry person, but excluding any person who performs domestic work only occasionally or sporadically and not on an occupational basis, such as drivers.

The term shall not include children under a foster family arrangement who are provided access to education and given an allowance incidental thereto, including “*baon*”, transportation, school projects, and school activities.

- b) “*Payment of Wages*” – shall be made on time and directly to the domestic worker to whom they are due in cash, at least once a month. The employer, unless allowed by the domestic worker through a written consent, shall make no deductions from the wages other than those mandated by law. No employer shall pay the wages of a domestic worker by means of promissory notes, vouchers, coupons, tokens, tickets, chits, or any object other than the cash wage, as provided under this Code.

A domestic worker is entitled to a thirteenth (13th) month pay as provided in this Code.

- c) “*Employer*” – refers to any person who engages and controls the services of a domestic worker and is a party to the employment contract.
- d) “*Household*” – refers to the immediate members of the family or the occupants of the house who are directly provided services by the domestic worker.
- e) “*Private Employment Agency (PEA)*” – refers to any individual, legitimate partnership, corporation, or entity licensed to engage in the recruitment and placement of domestic workers for local employment.

SEC. 45. *Rights and Privileges.* – All domestic workers or “*Kasambahays*” in the BARMM shall have the following rights and privileges:

- a) **Standard of Treatment.** – The employer or any member of the household shall not subject a domestic worker or *Kasambahay* to any kind of abuse, nor inflict any form of physical violence, harassment, or any act tending to degrade the dignity of the domestic worker.
- b) **Board, Lodging and Medical Attendance.** – The employer shall provide the domestic worker with the basic necessities, including at least three (3) adequate meals a day and humane sleeping arrangements that ensure safety.

The employer shall provide appropriate rest and assistance to the domestic worker in case of illnesses or injuries sustained during service, without loss of benefits.

At no instance shall the employer withdraw or hold in abeyance the provision of these basic necessities as a punishment or disciplinary action against the domestic worker.

- c) **Guarantee of Privacy.** – Respect for the privacy of the domestic worker shall be guaranteed at all times and shall extend to all forms of communication and personal effects. This guarantee equally recognizes that the domestic worker is obliged to render satisfactory service at all times.
- d) **Access to Outside Communication.** – The employer shall grant the domestic worker access to outside communication during free time: *Provided*, That in case of emergency, access to communication shall be granted even during work time. Should the domestic worker make use of the employer’s telephone or other communication facilities, the costs shall be borne by the domestic worker, unless such charges are waived by the employer.
- e) **Right to Education and Training.** – The employer shall afford the domestic worker the opportunity to complete basic education and may allow access to alternative learning systems and, as far as practicable, to higher education or technical and vocational training. The employer

shall adjust the domestic worker's work schedule to allow such access to education or training without hampering the services required by the employer.

- f) **Prohibition Against Privileged Information.** – All communication and information pertaining to the employer or members of the household shall be treated as privileged and confidential and shall not be publicly disclosed by the domestic worker during or after employment. Such privileged information shall be inadmissible in evidence, except when the suit involves the employer or any member of the household in a crime against persons, property, personal liberty and security, or chastity.

SEC. 46. *Employment Contract.* – An employment contract shall be executed by and between the domestic worker and the employer before the commencement of service, and shall be written in a language or dialect understood by both parties. The domestic worker shall be provided with a copy of the duly signed employment contract, which shall include the following:

- a) Duties and responsibilities of the domestic worker;
- b) Period of employment;
- c) Compensation;
- d) Authorized deductions;
- e) Hours of work and proportionate additional payment;
- f) Rest days and allowable leaves;
- g) Board, lodging, and medical attention;
- h) Agreements on deployment expenses, if any;
- i) Loan agreements;
- j) Termination of employment; and
- k) Any other lawful condition agreed upon by both parties.

MOLE shall develop a model employment contract for domestic workers, which shall at all times, be made available free of charge to domestic workers, employers, representative organizations, and the general public. MOLE shall widely disseminate information to domestic workers and employers on the use of such model employment contracts.

In cases where the employment of the domestic worker is facilitated through a PEA, the agency shall keep a copy of all employment contracts of domestic workers and shall submit the same to MOLE within five (5) days from execution for registration, development of the registry of domestic workers, and verification.

To monitor compliance with this Chapter, MOLE, in coordination with the concerned Barangay LGUs, may conduct periodic interviews and welfare checks with *Kasambahays*, whether within or outside the employer's residence. No employer shall obstruct or interfere with duly authorized representatives of MOLE or Barangay LGUs in the lawful exercise of their duties.

SEC. 47. *Minimum Wage of Domestic Worker or "Kasambahay".* – Wages of domestic workers in the BARMM shall not be less than the regional minimum wage set by MOLE for domestic workers.

The employer shall at all times provide the domestic worker with a copy of the payslip containing the amount paid in cash on each payday, and indicating all deductions made, if any. Copies of the payslip shall be kept by the employer for a period of three (3) years.

SEC. 48. *Employment Age of Domestic Workers.* – It shall be unlawful to employ any person below fifteen (15) years of age as a domestic worker. Employment of working children shall be subject to the provisions of Chapter III, Title V of Book I.

Working children shall be entitled to the minimum wage and all the rights and benefits under this Code.

Any employer who has been convicted by a court of law of any offense against a working child under this Code shall be meted a penalty one degree higher and shall be prohibited from hiring a working child.

CHAPTER V WORKERS IN THE INFORMAL ECONOMY

SEC. 49. *Statement of Objectives.* – It is the policy of the Bangsamoro Government to:

- a) Promote, protect, and fulfill the rights of every worker in the informal economy to decent work, which includes, but is not limited to, adequate earnings and productive work, decent working time, stability and security of work, equal opportunity and treatment in employment, a safe work environment, access to social protection, and self-organization and representation;
- b) Recognize the roles and contributions of workers in the informal economy, including women involved in care work and other broad sections and segments of informal workers;
- c) Generate data on informal workers for policy-making and programming purposes by including informal workers in regional and local statistics;

- d) Promote gender equality and eliminate gender-based discrimination in entrepreneurship and employment to ensure equal access of women and men to economic resources and to realize equal pay for work of equal value; and
- e) Pay special attention to those who are most vulnerable to the most serious deficits in decent work in the informal economy, including, but not limited to, women, young people, migrants, older people, indigenous peoples, and persons living with *Human Immunodeficiency Virus* (HIV).

SEC. 50. *Informal Economy: Definition.* – The informal economy refers to all economic activities by workers and economic units that are, in law or in practice, not covered or are insufficiently covered by formal arrangements. It consists of independent, self-employed, small-scale producers and distributors of goods and services, such as, but not limited to:

- a) Fishers, farmers, market gardeners, and shoemakers;
- b) Small-scale traders, street hawkers, and vendors;
- c) *Habal-habal*, tricycle, and *sikad* drivers, or small motorized boat operators;
- d) Self-employed artisans and tailors; and
- e) Other service providers, such as barbers, and shoe-shiners.

SEC. 51. *Employment Transition Assistance (ETA).* – An informal sector worker (ISW), as defined in the preceding Section, shall be entitled to an ETA of Two Thousand Pesos (PHP2,000.00) per month for a maximum of two (2) consecutive months, or until such time that he or she has found gainful employment, whichever comes first: *Provided*, That the ISW is registered with MOLE, is at least eighteen (18) but not over sixty (60) years of age, and is not covered by the Social Security System (SSS), the Government Service Insurance System (GSIS), and has not previously received Pantawid Pamilyang Pilipino Program (4Ps) assistance. MOLE shall issue the necessary guidelines for the implementation of this assistance.

SEC. 52. *Baseline Data and Registry.* – MOLE, in coordination with the Bangsamoro Planning and Development Authority and the Philippine Statistics Authority (PSA), shall establish and regularly update a regional registry of informal sector workers to serve as the baseline for planning, budgeting, and program implementation under this Code.

TITLE VI EMPLOYMENT OF FOREIGN NATIONALS

SEC. 53. *Employment Permit of Foreign Nationals.* – Any foreign national seeking admission to the BARMM for employment purposes, and any domestic or foreign employer who desires to engage a foreign national for employment in the region, shall obtain an employment permit from MOLE. For this purpose, the Bangsamoro Government may enter into agreement with the appropriate national government agencies.

An employment permit may be issued to a foreign national or to the applicant-employer only after MOLE has published the application for the position and subsequently certified the non-availability of a person in the BARMM who is competent, able, and willing at the time of application to perform the services for which the foreign national is desired.

For an enterprise registered in preferred areas of investment, the employment permit, without need of publication, may be issued upon the recommendation of the government agency charged with the supervision of the registered applicant enterprise.

MOLE shall issue the appropriate guidelines on the issuance, exemptions, validity, renewal, denial, and cancellation of the employment permits, including the establishment of an understudy program in the applicant enterprise as one of the bases for approval. Exemptions from the requirement of a permit shall be based on international treaties or conventions.

A foreign national and/or employer found guilty of violating this Section shall be separately fined an amount of not less than One Hundred Thousand Pesos (PHP100,000.00) but not more than Five Hundred Thousand Pesos (PHP500,000.00). MOLE may also order the closure of the establishment.

An employer may be subjected to multiple fines for every foreign national under its employ who found working without a valid employment permit.

In addition to such penalty, any foreign national found guilty shall be endorsed for deportation proceedings to the appropriate national government agency.

SEC. 54. *Exclusion from Employment Permit.* – The following categories of foreign nationals are excluded from obtaining an employment permit:

- a) Members of the governing board with voting rights only, who do not intervene in the management of the corporation or in the day-to-day operation of the enterprise;
- b) The president and treasurer who are part-owners of the company;
- c) Those providing consultancy services who do not have employers in the Philippines; and

- d) Intra-corporate transferees who are managers, executives, or specialists, as defined in accordance with trade agreements, and employees of foreign service suppliers with at least one (1) year of continuous employment prior to deployment to a branch, subsidiary, affiliate, or representative office in the Philippines.

SEC. 55. *Prohibition Against Transfer of Employment.* – After the issuance of an employment permit, a foreign national shall not transfer to another job or change his or her employer without the prior approval of MOLE.

Foreign nationals and/or employers found guilty of violating this Section shall be separately fined an amount of not less than Fifty Thousand Pesos (PHP50,000.00) but not more than One Hundred Thousand Pesos (PHP100,000.00). MOLE may also order the closure of the involved establishments.

An employer may be subjected to multiple fines for every foreign national under its employ who is found guilty of this Section.

In addition to such penalty, any foreign national found guilty of this Section shall be endorsed for deportation proceedings to the appropriate national government agency.

SEC. 56. *Submission of List.* – Any employer of foreign nationals shall submit a list to MOLE within thirty (30) days from the effectivity of this Code and thereafter annually, not later than the thirtieth (30th) day of January, indicating the names, citizenship, foreign and local addresses, nature of employment, and status of stay in the country of each foreign national employed.

SEC. 57. *Transitory Provision of this Title.* – In all cases of a new application, or where a DOLE-issued permit has expired prior to the effectivity of the guidelines of this Title, the new application or renewal shall be filed with DOLE.

BOOK II

EMPLOYMENT STANDARDS AND PRODUCTIVITY

SEC. 58. *Coverage.* – The provisions of this Book shall apply to employees in all establishments and undertakings within the BARMM, whether for profit or not, but shall not apply to government employees, managerial employees, field personnel, members of the family of the employer who are dependent on him or her for support, domestic workers, persons in the personal service of another, and workers who are paid by results, as determined by MOLE through appropriate regulations.

SEC. 59. *Definition of Terms.* –

- a) “*Field personnel*” – refers to non-agricultural employees who regularly perform their duties away from the principal place of business or branch office of the employer, and whose actual hours of work in the field cannot be determined with reasonable certainty.

- b) "*Flexi-time*" – refers to a work arrangement whereby employees, within agreed limits, may determine the starting and finishing times of their workdays, including their breaks.
- c) "*Full-time worker*" – refers to a worker who renders at least forty (40) but not more than forty-eight (48) hours per week.
- d) "*Managerial employee*" – refers to those whose primary duty consists of the management of the establishment in which they are employed, or of a department or subdivision thereof, and to other officers or members of the managerial staff.
- e) "*Part-time worker*" – refers to a worker whose normal hours of work are shorter than those of a full-time worker.

CHAPTER I HOURS OF WORK

SEC. 60. *Normal Hours of Work.* – The normal hours of work of any employee shall not exceed eight (8) hours per day. However, subject to the rules and regulations of MOLE, employers in BARMM may adopt a flexible work arrangement consistent with the necessities and continuity of business operations: *Provided*, That such arrangement shall not exceed the standard working hours per week: *Provided, further*, That it shall not result in diminution of benefits or impair workers' rights under this Code.

Health personnel in hospitals and clinics with a bed capacity of at least one hundred (100) shall hold regular office hours for eight (8) hours per day, five (5) days a week, exclusive of time for meals, except where the exigencies of the service require such personnel to work for six (6) days or forty-eight (48) hours. In such cases, they shall be entitled to an additional compensation of at least thirty percent (30%) of their regular wage for work on the sixth day. For purposes of this Section, "*health personnel*" shall include resident physicians, nurses, nutritionists, dieticians, pharmacists, social workers, laboratory technicians, paramedical technicians, psychologists, midwives, attendants, and all other hospital or clinic personnel.

SEC. 61. *Hours Worked.* – Hours worked shall include:

- a) All time during which an employee is required to be on duty or at a prescribed workplace; and
- b) All time during which an employee is suffered or permitted to work.

Periods of short duration for rest or prayer during working hours shall be counted as hours worked.

SEC. 62. *One-Hour Meal Period.* – Subject to such regulations as the Minister of Labor and Employment may prescribe, it shall be the duty of every employer to provide his or her employees with not less than sixty (60) minutes of time-off for regular meals or personal errands.

SEC. 63. Night-Shift Differential. – Every employee shall be paid a night-shift differential of not less than ten percent (10%) of their regular wage for each hour of work performed between ten o'clock in the evening and six o'clock in the morning, unless otherwise modified by the Parliament.

SEC. 64. Overtime Work. – Work may be performed beyond eight (8) hours per day; *Provided*, That the employee is paid for the overtime work an additional compensation equivalent to their regular wage plus at least twenty-five percent (25%) thereof. Work performed beyond eight (8) hours on a holiday or rest day shall be paid an additional compensation equivalent to the rate of the first eight (8) hours on such holiday or rest day plus at least thirty percent (30%) thereof.

SEC. 65. Undertime Not Offset by Overtime. – Unless the employer adopts a flexible work arrangement, undertime work on any particular day shall not be offset by overtime work on any other day. If a flexi-time arrangement is allowed and with prior approval from management, the eight (8)-hour work period must be observed. Permission granted to the employee to take leave on another day of the week shall not exempt the employer from paying the additional compensation required under this Chapter.

SEC. 66. Emergency Overtime Work. – Any employee may be required by the employer to perform overtime work in any of the following cases:

- a) When the country is at war, or when any other national, regional, or local emergency has been declared by the President, Chief Minister, or the local chief executive;
- b) When it is necessary to prevent loss of life or property, or in case of imminent danger to public safety due to an actual or impending emergency in the locality caused by serious accidents, fire, flood, typhoon, earthquake, epidemic, or other disaster or calamity, upon the declaration of the Bangsamoro Disaster and Risk Reduction Management Council;
- c) When urgent work to be performed on machines, installations, or equipment in order to avoid serious loss or damage to the employer, or for some other cause of similar nature;
- d) When work is necessary to prevent loss or damage to perishable goods;
- e) When completion or continuation of the work started before the eighth (8)-hour is necessary to prevent serious obstruction or prejudice to the business or operations of the employer; and
- f) When overtime work is necessary to avail of favorable weather or environmental conditions upon which performance or quality of work depends.

Pregnant or nursing women shall not be obliged to render overtime work if a medical certificate declares such work to be incompatible with their pregnancy or nursing.

Any employee required to render overtime work under this Section shall be paid the additional compensation prescribed in this Chapter.

SEC. 67. *Computation of Additional Compensation.* – For purposes of computing overtime and other additional remuneration required by this Chapter, the regular basic wage of an employee shall include the cash wage only, without any deduction for facilities provided by the employer.

CHAPTER II WORKING HOURS FOR NIGHT WORKERS

SEC. 68. *Coverage.* – This Chapter shall apply to all persons who are employed, permitted, or suffered to work at night, except those employed in agriculture, stock raising, fishing, maritime transport, and inland navigation, during a period of not less than seven (7) consecutive hours, including the interval from midnight to five o'clock in the morning, as determined by MOLE after consulting the workers' representatives, or labor organizations, and employers.

Night worker means any employed person whose work requires the performance of a substantial number of hours of night work exceeding a specified limit. This limit shall be fixed by MOLE after consulting the workers' representatives or labor organizations and employers.

SEC. 69. *Health Assessment.* – At their request, workers shall have the right to undergo a health assessment without charge and to receive advice on how to reduce or avoid health problems associated with their work:

- a) Before taking up an assignment as a night worker;
- b) At regular intervals during such an assignment; and
- c) If they experience health problems during such an assignment that are not caused by factors other than the performance of night work.

Except for a finding of unfitness for night work, the results of such assessments shall not be transmitted to others without the workers' consent and shall not be used to their detriment.

SEC. 70. *Mandatory Facilities.* – Employers shall ensure the availability of suitable first-aid facilities for workers performing night work. Where necessary, appropriate arrangements shall be made to transport workers immediately to a medical facility for treatment. Employers are likewise required to provide safe and healthful working conditions, napping quarters within the establishment, transportation from the work premises to the nearest point of their residence, and such other adequate or reasonable facilities as may be required by MOLE.

SEC. 71. *Transfer.* – Night workers who are certified as unfit for night work due to health reasons shall be transferred, whenever practicable, to a similar job for which they are fit to work.

If such transfer is not practicable, these workers shall be granted the same benefits as other workers who are unable to work or secure employment during such period.

A night worker certified as temporarily unfit for night work shall be given the same protection against dismissal or notice of dismissal as other workers who are prevented from working for health reasons.

SEC. 72. *Women Night Workers.* – Measures shall be taken to ensure that an alternative to night work is available to women workers who would otherwise be required to perform such work:

- a) Before and after childbirth, for a period of at least sixteen (16) weeks, which shall be divided between the periods before and after delivery;
- b) For additional periods, provided that a medical certificate states that such additional periods are necessary for the health of the mother or child:
 1. During pregnancy; and
 2. During a specified time beyond the period after childbirth fixed pursuant to subparagraph (a) above, the duration of which shall be determined by MOLE after consulting labor organizations and employers.

During the periods referred to in this section:

- i. A woman worker shall not be dismissed or given notice of dismissal, except for just or authorized causes under this Code that are unrelated to pregnancy, childbirth, or childcare responsibilities.
- ii. A woman worker shall not lose benefits regarding her status, seniority, or access to promotion associated with her regular night work position. Pregnant women and nursing mothers may work at night only if a competent physician, other than the company physician, certifies their fitness to render night work and specifies, in the case of pregnant employees, the period of the pregnancy which they can safely work. The measures referred to in this Section may include transfer to day work where possible, the provision of social security benefits, or an extension of maternity leave. The provisions of this Section shall not reduce the protection and benefits connected with maternity leave under existing laws. The compensation for night workers in the form of working time, pay or similar benefits shall recognize the exceptional nature of night work.

Employers shall provide, as necessary, for the safety and security of women workers on night shift.

SEC. 73. *Social Services.* – Appropriate social services shall be provided to night workers and, where necessary, for workers performing night work.

SEC. 74. *Night Work Schedules.* – Before introducing work schedules requiring the services of night workers, the employer shall consult the workers' representatives or labor organizations concerned regarding the details of such schedules and the forms of organization of night work that are best adapted to the establishment and its personnel, as well as regarding the occupational health measures and social services which are required. In establishments employing night workers, consultation shall take place regularly.

CHAPTER III REST PERIOD

SEC. 75. *Right to Weekly Rest Day.* –

- a) It shall be the duty of every employer, whether operating for profit or not, to provide each of his employees a rest period of not less than twenty-four (24) consecutive hours after every six (6) consecutive normal workdays; and
- b) The employer shall primarily respect the preferences of employees regarding the weekly rest day, especially when such preferences are based on religious grounds. The employer shall also determine and schedule the weekly rest day of their employees, subject to the Collective Bargaining Agreement (CBA) or, in its absence, to the rules and regulations of MOLE.

SEC. 76. *When Employer May Require Work on a Rest Day.* – The employer may require their employees to work on any rest day in the following cases:

- a) In case of actual or impending emergencies caused by serious accidents, fire, flood, typhoon, earthquake, epidemic, or other disaster or calamity, to prevent loss of life or property, or in case of imminent danger to public safety;
- b) In case of urgent work to be performed on machinery, equipment, or installations to avoid serious loss that the employer would otherwise suffer;
- c) To prevent loss or damage to perishable goods; and
- d) When the work is necessary to avail of favorable weather or environmental conditions on which the performance or quality of work depends.

Pregnant or nursing women may opt not to work on their rest day if such work is deemed inimical to their condition.

SEC. 77. *Compensation for Rest Day, Fridays, or Special Non-Working Holiday Work.* –

- a) Where an employee is required or permitted to work on his or her scheduled rest day, he or she shall be paid an additional compensation of at least thirty percent (30%) of his or her regular wage.
- b) When the nature of the work of the employee is such that he or she has no regular workdays and no regular rest days can be scheduled, he or she shall be paid an additional compensation of at least thirty percent (30%) of his or her regular wage for work performed on Fridays and special non-working holidays.
- c) Work performed on any special non-working holiday shall be paid an additional compensation of at least thirty percent (30%) of the employee's regular wage. Where such holiday work falls on the employee's scheduled rest day, they shall be entitled to an additional compensation of at least fifty percent (50%) of their regular wage.
- d) Where the collective bargaining agreement or other applicable employment contract stipulates the payment of a higher premium pay, the employer shall pay such higher rate.

SEC. 78. *Right to Regular Holiday Pay.* –

- a) Every worker shall be paid his or her regular daily wage during regular holidays, except in retail and service establishments regularly employing fewer than ten (10) workers; and
- b) The employer may require an employee to work on any regular holiday, but such employee shall be paid compensation equivalent to twice his or her regular rate.

SEC. 79. *Right to Service Incentive Leave.* –

- a) Every employee who has rendered at least one (1) year of service shall be entitled to a yearly service incentive leave of five (5) days with pay; and
- b) This provision shall not apply to employees who are already enjoying the benefit herein provided, those enjoying vacation leave with pay of at least five (5) days, and those employed in establishments regularly employing fewer than ten (10) employees, or in establishments exempted from granting this benefit by MOLE after considering the viability or financial condition of such establishment.

SEC. 80. *Service Charges.* – All service charges collected by hotels, restaurants, and similar establishments shall be distributed completely and equally among covered workers, except managerial employees.

In the event that the minimum wage is increased by law or wage order, service charges paid to the covered employees shall not be considered in determining the employer's compliance with the increased minimum wage.

To facilitate resolution of any dispute between the management and the employees on the distribution of service charges, a grievance mechanism shall be established, or if inadequate, the grievance shall be referred to the provincial or field office of MOLE which has jurisdiction over the workplace for conciliation.

For purposes of this Section, "*managerial employees*" refers to any person vested with powers or prerogatives to lay down and execute management policies or to hire, transfer, suspend, lay off, recall, discharge, assign, or discipline employees, or to effectively recommend such managerial actions.

SEC. 81. *Seasonal Incentive.* – Subject to employer's availability of funds, all employees shall be entitled to an amount of at least One Thousand Pesos (PHP1,000.00) as a Seasonal Incentive.

CHAPTER IV WAGES AND PROHIBITION REGARDING WAGES

SEC. 82. *Definitions.* – As used in this Chapter:

- a) "*Agriculture*" – includes farming in all its branches and, among other things, includes cultivation and tillage of soil, dairying, the production, cultivation, growing, and harvesting of any agricultural and horticultural commodities, the raising of livestock or poultry, and any practices performed by a farmer on a farm as an incident to or in conjunction with such farming operations, but does not include the manufacturing or processing of sugar, coconuts, abaca, tobacco, pineapples, or other farm products;
- b) "*Employ*" – includes to suffer or permit to work;
- c) "*Employee*" – includes any individual employed by an employer;
- d) "*Employer*" – includes any person acting directly or indirectly in the interest of an employer in relation to an employee and shall include the government and all its branches, subdivisions, and instrumentalities, all government-owned or controlled corporations and institutions, as well as non-profit private institutions or organizations;
- e) "*Fair and reasonable value*" – shall not include any profit to the employer or to any person affiliated with the employer;
- f) "*Person*" – means an individual, partnership, association, corporation, business trust, legal representatives, or any organized group of persons; and

- g) “*Wage*” – paid to any employee shall mean the remuneration or earnings, however designated, capable of being expressed in terms of money, whether fixed or ascertained on a time, task, piece, or commission basis, or other method of calculating the same, which is payable by an employer to an employee under a written or unwritten contract of employment for work done or to be done, or for services rendered or to be rendered, and includes the fair and reasonable value, as determined by MOLE, of board, lodging, or other facilities customarily furnished by the employer to the employee.

SEC. 83. *Application.* – This Chapter shall not apply to farm tenancy or leasehold, domestic service, and persons working in their respective homes in any cottage industry duly registered in accordance with law.

SEC. 84. *Form of Payment.* – No employer shall pay the wages of an employee by means of promissory notes, vouchers, coupons, tokens, tickets, chits, or any object other than legal tender, even when expressly requested by the employee. Payment of wages by check or money order shall be allowed when such manner of payment is customary on the date of effectivity of this Code, or is necessary because of special circumstances as specified in appropriate regulations to be issued by MOLE, or as stipulated in a collective bargaining agreement.

SEC. 85. *Time of Payments.* – Payment of wages shall be made on the fifteenth (15th) and thirtieth (30th) of every month. If, on account of force majeure or circumstances beyond the employer’s control, payment of wages on or within the time herein provided cannot be made, the employer shall pay the wages immediately after such force majeure or circumstances have ceased. No employer shall make payment with less frequency than once a month. The payment of wages of employees engaged to perform a task which cannot be completed in two (2) weeks shall be subject to the following conditions, in the absence of a collective bargaining agreement or arbitration award:

- a) That payments are made at intervals not exceeding sixteen (16) days, in proportion to the amount of work completed; and
- b) That final settlement is made upon completion of the work.

SEC. 86. *Place of Payment.* – Payment of wages shall be made at or near the place of undertaking, except as otherwise provided by such regulations as MOLE may prescribe under conditions to ensure greater protection of wages.

SEC. 87. *Direct Payment of Wages.* – Wages shall be paid directly to the workers to whom they are due, except:

- a) In cases of force majeure rendering such payment impossible, or under other special circumstances to be determined by MOLE in appropriate regulations, in which case the worker may be paid through another person under written authority given by the worker for the purpose, or as ordered by the court; or

- b) Where the worker has died, in which case the employer may pay the wages of the deceased worker to his or her heirs without the necessity of court proceedings. The claimants, if they are all of age, shall execute an affidavit attesting to their relationship to the deceased and the fact that they are his or her heirs, to the exclusion of all other persons. If any of the heirs is a minor, the affidavit shall be executed on his or her behalf by natural guardian or next-of-kin. The affidavit shall be presented to the employer, who shall make payment through MOLE. MOLE shall act as referee in dividing the amount paid among the heirs. The payment of wages under this Section shall absolve the employer of any further liability with respect to the amount paid.

SEC. 88. *Non-Interference in Disposal of Wages.* – No employer shall limit or otherwise interfere with the freedom of any employee to dispose of his or her wages. He or she shall not, in any manner, force, compel, or oblige his or her employees to purchase merchandise, commodities, or other property from any other person, or to make use of any store or services of the employer or any other person.

SEC. 89. *Wage Deduction.* – No employer, in his or her own behalf or on behalf of any person, shall make any deduction from the wages of his or her employees, except:

- a) In cases where the worker is insured, with his or her consent, by the employer, and the deduction is to recompense the employer for the amount paid by him or her as premium on the insurance;
- b) For union dues, in cases where the right of the worker or his or her union to check-off has been recognized by the employer or authorized in writing by the individual worker concerned; and
- c) In cases where the employer is authorized by law or regulations issued by MOLE. All deductions from wages shall be reflected in a detailed pay slip issued to the worker every pay period.

SEC. 90. *Deposits for Loss or Damage.* – No employer shall require his or her worker to make deposits from which deductions shall be made for the reimbursement of loss of, or damage to, tools, materials, or equipment supplied by the employer, except when the employer is engaged in trades, occupations, or business where the customary practice of making deductions or requiring deposits is recognized; or such deductions are provided for in a collective bargaining agreement; or it is necessary or desirable as determined by MOLE in appropriate rules and regulations.

In any case, deductions shall be subject to the following conditions:

- a) The employees concerned are clearly shown to be responsible for the loss or damage;
- b) The employees are given a reasonable opportunity to show cause why deduction should not be made;
- c) The amount of such deduction is fair and reasonable and shall not exceed the actual loss or damage; and

- d) The deduction from the wages of the employee does not exceed twenty percent (20%) of the employee's wages in a week.

SEC. 91. *Withholding of Wages and Kickbacks Prohibited.* – It shall be unlawful for any person, directly or indirectly, to withhold any amount from the wages of a worker or induce him or her to give up any part of his or her wages by force, stealth, intimidation, threat, or by any other means whatsoever without the worker's consent.

SEC. 92. *Deduction to Ensure Employment.* – It shall be unlawful to make any deduction from the wages of any employee for the benefit of the employer or his or her representative or intermediary as consideration of a promise of employment or retention in employment.

SEC. 93. *Retaliatory Measures.* – It shall be unlawful for an employer to refuse to pay or reduce the wages and benefits, discharge, or in any manner discriminate against any employee who has filed any complaint or instituted any proceeding under this Chapter or any other law, or has testified, or has refused to testify, or is about to testify in such proceedings.

SEC. 94. *False Reporting.* – It shall be unlawful for any person to make any statement, report, or record filed or kept pursuant to the provisions of this Code, knowing such statement, report or record to be false in any material respect.

SEC. 95. *Minimum Wage Fixing.* – The minimum wage rates for workers in BARMM shall be fixed by MOLE, including the minimum wage of household or domestic workers and persons employed in the personal service of another, without prejudice to the passage of a law by the Bangsamoro Parliament prescribing a different minimum wage.

SEC. 96. *Category of Sectors.* – There shall be a sector of workers for determination of the minimum wage. Sectors are categorized into agriculture or non-agriculture.

SEC. 97. *Wage Order.* – Whenever conditions in BARMM so warrant, MOLE shall investigate and study all pertinent facts; and, based on the standards and criteria herein prescribed, shall proceed to determine whether a wage order should be issued. Any such wage order shall take effect fifteen (15) days after its complete publication on MOLE's official website and social media page.

In the performance of its wage-determining functions, MOLE shall conduct public hearings or consultations, giving notices to workers' and employers' groups, provincial, city, and municipal officials, and other interested parties.

SEC. 98. *Appeal from Wage Order.* – Any party aggrieved by the wage order issued by MOLE may appeal such order to the Minister within ten (10) calendar days from the publication of such order. It shall be mandatory for the Minister to decide on such appeal within sixty (60) calendar days from the filing thereof.

The filing of the appeal does not stay the order unless the person appealing such order files with the Minister an undertaking, with a surety or sureties satisfactory for the payment to the workers affected by the order of the corresponding increase, in the event such order is affirmed.

SEC. 99. *Standards or Criteria for Minimum Wage Fixing.* – The minimum wages to be established by MOLE shall be as nearly adequate as is economically feasible to maintain the minimum standards of living necessary for the health, efficiency, and general well-being of the workers, within the framework of the national economic and social development program. In the determination of such minimum wages, MOLE shall, among other relevant factors, consider the following:

- a) The living wage in the region as determined by appropriate authority or agency in BARMM;
- b) Wage adjustment vis-à-vis the consumer price index;
- c) The cost of living and changes or increases therein;
- d) The needs of workers and their families;
- e) The need to induce industries to invest in the countryside;
- f) Improvements in standards of living;
- g) The prevailing wage levels;
- h) Fair return on the capital invested and the capacity to pay of employers;
- i) Effects on employment generation and family income; and
- j) The equitable distribution of income and wealth along the imperatives of economic and social development.

The wages prescribed in accordance with the provisions of this Chapter shall be the standard prevailing minimum wages in BARMM. These wages shall include wages varying with industries, provinces, or localities if in the conditions so warrant to make such differentiation.

Any person, company, corporation, partnership or any other entity engaged in business shall file and register annually with MOLE and the PSA an itemized listing of their labor component, specifying the names of their workers and employees below the managerial level, including apprentices, Differently-Abled workers, elderly workers and child workers who were hired under the terms prescribed in the employment contracts, and their corresponding salaries and wages.

SEC. 100. *Correction of Wage Distortion.* – Where the application of any prescribed wage increase by virtue of a law or wage order issued by MOLE results in distortions of the wage structure, the employer and union shall negotiate to correct the distortions. Any dispute arising from wage distortions shall be

resolved through the grievance procedure under their collective bargaining agreement and, if it remains unresolved, through voluntary arbitration. Unless otherwise agreed by the parties in writing, such dispute shall be decided by the voluntary arbitrators within ten (10) calendar days from the time said dispute was referred to voluntary arbitration.

In cases where there are no collective agreements or recognized labor unions, the employers and workers shall endeavor to correct such distortions. Any dispute arising therefrom shall be settled through conciliation-mediation and, if it remains unresolved after ten (10) calendar days of conciliation, shall be referred to the Bangsamoro Labor Conciliation and Arbitration Board (BLCAB). It shall be mandatory for BLCAB to conduct continuous hearings and decide the dispute within twenty (20) calendar days from the time said dispute is submitted for compulsory arbitration.

The pendency of a dispute arising from a wage distortion shall not in any way delay the applicability of any increase in prescribed wage rates pursuant to the provisions of law or wage order.

As used herein, a wage distortion shall mean a situation where an increase in prescribed wage rates results in the elimination or severe contraction of intentional quantitative differences in wage or salary rates between and among employee groups in an establishment as to effectively obliterate the distinctions embodied in such wage structure based on skills, length of service, or other logical bases of differentiation.

SEC. 101. *Wage Rates of Workers Paid by Result.* – All workers paid by result, including those who are paid on piecework, *takay*, *pakyaw*, or task basis, shall receive not less than the prescribed wage rates per eight (8) hours of work a day, or a proportion thereof for working less than eight (8) hours.

SEC. 102. *Exception to Non-Impairment of Contract Clause.* – All employment contracts, including enterprise-based education and training agreements implemented by TESDA or MBHTE, shall be considered automatically modified insofar as their wage clauses are concerned to reflect the prescribed wage rates.

SEC. 103. *Exemption.* – Other than those exempted by this Code, all workers shall be paid the applicable minimum wage.

Financially distressed employers may apply for exemption from the minimum wage with MOLE but only for a non-extendible maximum period of three (3) years for every increase provided by wage order.

In the event that applications for exemptions are denied, the covered employees shall receive the appropriate differential plus interest of one percent (1%) per month retroactive to the effectivity of the appropriate wage order.

SEC. 104. *Freedom to Bargain.* – No wage order shall be construed to prevent workers in particular firms or enterprises or industries from bargaining for higher wages with their respective employers.

SEC. 105. *Non-diminution of Benefits.* – No wage order shall provide for wage rates lower than the statutory minimum wage rates prescribed by the Philippine Congress or the Bangsamoro Parliament.

BOOK III

CULTURAL RIGHTS AND PRACTICES OF MUSLIM AND NON-MUSLIM WORKERS

SEC. 106. *Respect for Religious and Cultural Clothing.* – Employers shall respect the applicable religious and cultural clothing of all of their workers, including managerial employees; *Provided*, That such clothing shall not pose any occupational safety and health risk or shall not hamper productivity.

The discrimination or harassment based on religious or cultural clothing is prohibited and shall be subject to appropriate administrative penalties to be imposed by MOLE.

MOLE shall include provisions in the implementing rules to ensure compliance and promote awareness programs for employers and employees on cultural and religious inclusion in the workplace.

No employer shall impose a dress code that contravenes the sincerely held religious beliefs or cultural customs of the worker, except when such restriction is based on occupational safety and health requirements duly certified by MOLE.

SEC. 107. *Prayer Space.* – The employer shall not restrict or prohibit employees from freely exercising their religion in the workplace, consistent with the Constitution and applicable laws. To promote inclusivity and respect for religious practices, employees shall have the right to request a dedicated space within the employer's premises for prayer or spiritual exercises. The size and location of such space shall be determined by the employer in consultation with the employees, taking into account operational requirements and the needs of the workforce.

Employers with twenty (20) or more employees shall endeavor to provide a designated prayer space or a reasonable alternative area. The MOLE shall issue guidelines for compliance and inspection.

SEC. 108. *Prayer Break during Holy Day.* – In addition to the other breaks provided in this Code, the employer shall allow the workers to be excused from their work for an uninterrupted period of not less than sixty (60) minutes during their applicable Holy day in a week. Such break shall be considered compensable time unless otherwise agreed upon, and workers shall give prior notice for scheduling purposes. Employers shall exercise flexibility to balance religious practice and operational needs.

SEC. 109. *Call for Prayer.* – The employer shall respect the call for prayer during hours of work. To this end, employers shall take reasonable measures to minimize unnecessary disturbances in the workplace that would prevent employees from hearing the call to prayer.

SEC. 110. *Pilgrimage Leave.* – Every employer shall allow their employees who have rendered at least two (2) years of service in the establishment, regardless of their employment status to avail a pilgrimage leave. Pilgrimage leave, accorded to a person to visit a place of religious or spiritual importance to perform acts of worship or undertake a spiritual journey, is without pay and not more than thirty (30) days, and may be availed of once during the entire tenure of the employment, *Provided*, That it will not cause disruption of work or result in serious loss to the establishment.

Should multiple employees intend to avail the leave under this Section, and it is not possible for the employer to grant all without disrupting work or resulting in serious loss to the establishment, previous availment of the same leave and the seniority of the employees shall be considered.

The employer shall not incur any liability under this Code for denying the leave under this Section if it is established that the grant of the leave would unavoidably lead to disruption of work or result in serious loss to the establishment.

This leave may be availed of once during the entire tenure of the employee. The employee shall give reasonable notice of at least sixty (60) days prior to departure, and may opt to use accrued leave credits to cover the unpaid period, subject to employer approval.

The employee shall not be terminated or subjected to diminution of benefits and seniority rights on the basis of availing this leave.

Nothing in this Section shall preclude employers from granting benefits that are more favorable than those herein provided.

SEC. 111. *Accommodation of Religious or Cultural Beliefs of Employees.* – No worker shall be forced to engage in activities contrary to their religious or cultural beliefs. Further, the employer must accommodate the dietary restrictions of workers and must ensure that no worker is compelled to handle, prepare, process, cook, buy, or sell any food and/or non-food merchandise against his or her religious beliefs.

Employers shall make reasonable accommodations for dietary restrictions, fasting schedules, and participation in religious observances. Each establishment shall adopt a written policy and grievance mechanism to address accommodation-related concerns.

Any person who shall discriminate, harass, or coerce workers in violation of this Section shall be subject to appropriate administrative penalties to be imposed by MOLE.

SEC. 112. *Bangsamoro Holidays.* – Bangsamoro holidays shall be observed in accordance with Bangsamoro Autonomy Act No. 39, otherwise known as the “*Bangsamoro Holidays Act of 2023*”, other applicable laws, and issuances of the Chief Minister. They shall be observed in all areas within the jurisdiction of BARMM.

SEC. 113. *Observance of Meal Breaks during Ramadhan.* – The breaking of fast or “*Iftar*” and taking the morning meal or “*Suhoor*” during Ramadhan by the Muslim workers should be respected by the employer as a matter of company policy. MOLE shall issue the necessary guidelines to implement this provision.

BOOK IV SOCIAL WELFARE AND PROTECTION

CHAPTER I OCCUPATIONAL HEALTH, WELFARE, AND PROTECTION OF WORKERS

SEC. 114. *Coverage.* – This Book shall apply to all establishments, projects, sites including all other places where work is being undertaken in all branches of economic activity in the BARMM.

The Parliament may enact legislation on labor standards and labor relations in Bangsamoro economic zones.

SEC. 115. *Declaration of Policy.* – The Bangsamoro Government affirms labor as a primary social and economic force, and that a safe and healthy workforce is an integral aspect of the region's economic development.

A safe and healthful workplace for all workers in BARMM shall be ensured by affording them full protection against all hazards in their work environment pursuant to all Philippine laws and international recognized standards on occupational safety and health.

Every worker in BARMM shall be protected against injury, sickness, or death through safe and healthful working conditions, thereby assuring the conservation of valuable human resources and prevention of loss or damage to lives and properties consistent with the Bangsamoro development goals and commitment to the total development of every worker in BARMM.

In protecting the safety and health of workers, the Bangsamoro Government shall promote stringent but dynamic, inclusive, culture- and gender-sensitive measures in the formulation and implementation of policies and programs related to occupational safety and health.

SEC. 116. *Occupational Health, Welfare, and Protection of Workers.* – All employers in the BARMM are hereby mandated to respect and uphold the occupational health, welfare, and protection of their workers in accordance with this Code and other applicable labor and safety standards.

SEC. 117. *First-aid Treatment.* – Every employer shall keep in his or her establishment such first-aid medicines and equipment as the nature and conditions of work may require, in accordance with such regulations as MOLE shall prescribe.

The employer shall take steps to train a sufficient number of employees in first-aid treatment.

SEC. 118. *Occupational Health Personnel.* – All workplaces in BARMM shall have qualified occupational health personnel such as physicians, mental health service professionals, nurses, certified first-aiders, and dentists, duly complemented with the required medical supplies, equipment, and facilities. The number of health personnel, equipment, and facilities, and the amount of supplies shall be proportionate to the total number of workers, risk or hazard involved in the workplace, and the provision of an emergency

hospital for medical and dental services, the ideal ratio of which shall be prescribed by MOLE consistent with national and international standards.

In cases of hazardous workplaces, employers shall ensure, at a minimum, the services of a physician or a dentist on the premises of the establishment for at least two (2) hours.

SEC. 119. *When an Emergency Hospital is not Required.* – The requirement for an emergency hospital for medical and dental services, shall not be applicable in case there is a hospital within five (5) kilometers away from the workplace if situated in urban area or which can be reached by motor vehicle in twenty-five (25) minutes of travel if situated in a rural area, and the employer has facilities readily available for transporting a worker to the hospital: *Provided*, That the employer shall enter into a written contract with the hospital for the use thereof in the treatment of workers in case of emergency.

SEC. 120. *Health Program.* – All employers in the BARMM shall ensure that their engaged physician, in addition to his or her duties under this Chapter, shall develop and implement a comprehensive occupational safety and health program for the benefit of their employees.

SEC. 121. *Qualifications of Health Personnel.* – The physicians, mental health professionals, nurses, certified first-aiders, and dentists employed by employers pursuant to this Chapter shall have the necessary training in industrial medicine and occupational safety and health. MOLE, in consultation with industrial, medical, and occupational safety and mental health associations, shall establish the qualifications, criteria, and conditions of employment of such health personnel.

SEC. 122. *Assistance of Employers.* – It shall be the duty of any employer to provide all the necessary assistance to ensure adequate and immediate medical, dental, and psychological attendance and treatment to an injured or sick employee in case of emergency.

SEC. 123. *Mental Health Promotion and Policies in the Workplace.* – Employers shall develop appropriate policies and programs on mental health issues, correct the stigma and discrimination associated with mental conditions, identify and provide support for individuals with mental health conditions to treatment and psychosocial assistance pursuant to rules and regulations promulgated by MOLE in accordance with this Code and other laws on mental health.

SEC. 124. *Safety and Health Standards.* – MOLE shall, by appropriate orders, set and enforce mandatory occupational safety and health standards to eliminate or reduce occupational safety and health hazards in all workplaces, institute new, update existing programs on safe and healthful working conditions in all places of employment, and promote the rights of all workers, including the right to be informed of the hazards in the workplace, to refuse unsafe work, and to personal protective equipment, as provided by existing laws.

SEC. 125. *Research Studies.* – It shall be the responsibility of MOLE to conduct continuing studies and research to develop innovative methods, techniques, and approaches for dealing with occupational safety and health problems; to discover latent diseases by establishing causal connections between diseases and work in environmental conditions; and to develop medical criteria which will assure insofar as

practicable that no employee will suffer impairment or diminution in health, functional capacity, or life expectancy as a result of his work and working conditions.

SEC. 126. *Training Programs.* – MOLE shall develop and implement training programs to increase the number and competence of personnel in the field of occupational safety and health.

SEC. 127. *Administration of Safety and Health Laws.* – MOLE shall be solely responsible for the administration and enforcement of occupational safety and health laws, regulations and standards in all establishments and workplaces wherever they may be located; however, chartered cities in BARMM may be allowed to conduct safety inspections of establishments within their respective jurisdictions where they have adequate facilities and competent personnel for the purpose as determined by MOLE and subject to established regional, national, and international standards.

MOLE may, through appropriate regulations, collect reasonable fees for the inspection of steam boilers, pressure vessels and piping and electrical installations, the test and approval for safe use of materials, equipment and other safety devices, and the approval of plans for such materials, equipment, and devices. The fee so collected shall be deposited in the regional treasury to the credit of the occupational safety and health fund. It shall be expended exclusively for the administration and enforcement of safety and other labor laws administered by MOLE.

CHAPTER II MATERNITY LEAVE BENEFITS

SEC. 128. *Grant of Maternity Leave.* – All covered female workers in government and the private sector, including those in the informal economy, regardless of civil status or the legitimacy of her child, shall be granted one hundred five (105) days maternity leave with full pay and an option to extend for an additional thirty (30) days without pay: *Provided, That in case the worker qualifies as a solo parent, the worker shall be granted an additional fifteen (15) days maternity leave with full pay.*

Enjoyment of maternity leave cannot be deferred but should be availed of either before or after the actual period of delivery in a continuous and uninterrupted manner, not exceeding one hundred five (105) days, as the case may be.

Maternity leave shall be granted to female workers in every instance of pregnancy, miscarriage, or emergency termination of pregnancy, regardless of frequency: *Provided, That for cases of miscarriage or emergency termination of pregnancy, sixty (60) days of maternity leave with full pay shall be granted.*

SEC. 129. *Allocation of Maternity Leave Credits.* – Any female worker entitled to maternity leave benefits as provided for herein may, at her option, allocate up to seven (7) days of said benefits to the child's father, whether or not the same is married to the female worker: *Provided, That in the death, absence, or incapacity of the former, the benefit may be allocated to an alternate caregiver who may be a relative within the fourth degree of consanguinity or the current partner of the female worker sharing the same household, upon the election of the mother taking into account the best interests of the child: Provided, further, That written notice thereof is provided to the employers of the female worker and alternate caregiver: Provided,*

furthermore, That this benefit is over and above that which is provided under paternity leave laws: *Provided, finally*, That in the event the beneficiary female worker dies or is permanently incapacitated, the balance of her maternity leave benefits shall accrue to the father of the child or to a qualified caregiver as provided above.

SEC. 130. *Maternity Leave for Women Regardless of Civil Status.* – All female workers in the government and female members of the SSS, regardless of their civil status, shall be granted maternity leave, with full pay, upon compliance with the preceding Section.

SEC. 131. *Maternity Leave Credits.* – The maternity leave can be credited as a combination of prenatal and postnatal leave as long as it does not exceed one hundred five (105) days: *Provided*, That compulsory postnatal leave shall not be less than sixty (60) days.

SEC. 132. *Non-Diminution of Benefits.* – Nothing in this Code shall be construed as to diminish existing maternity benefits currently enjoyed, whether or not these are granted under CBA or present laws, if the same are more beneficial to the female worker. Any other working arrangement that the female worker shall agree to, during the additional maternity leave period, shall be allowed: *Provided*, That this shall be consented to in writing by the female worker and shall primarily uphold her maternal functions and the requirements of postnatal care.

CHAPTER III OTHER LEAVE BENEFITS

SEC. 133. *Paternity Leave.* – Paternity leave refers to the benefits granted to a married male employee allowing him not to report for work for seven (7) days but continues to earn the compensation on the condition that his spouse has delivered a child or suffered a miscarriage for the purpose of lending support to his wife during her period of recovery and/or in nursing of the newly born child. The benefit is available to a married male employee for the first four (4) deliveries or miscarriages of his legal spouse, with whom he is cohabiting. In case of a BARMM worker with multiple legal wives, the leave entitlement of the first four (4) deliveries or miscarriages shall be aggregated. In the event the paternity leave benefit is not availed of, said leave shall not be convertible to cash and shall not be cumulative. MOLE shall issue the rules and regulations taking cognizance of the Muslim Code and requirements of existing national laws.

SEC. 134. *Solo Parent Leave.* – In addition to leave privileges under existing laws, parental leave of not more than seven (7) working days every year shall be granted to any solo parent employee who has rendered service of at least one (1) year and shall be entitled to all the privileges provided under applicable laws on solo parents.

SEC. 135. *Anti-Violence Against Women and their Children (VAWC) Leave.* – All women employees in BARMM who are victims of physical, sexual, psychological harm or suffering, or economic abuse shall, in accordance with prescribed requirements of existing anti-VAWC law, be entitled to a paid leave of up to ten (10) days, in addition to other paid leaves under this Code.

Any employer who shall prejudice the right of the person under this Section shall be penalized in accordance with existing laws. An employer who shall prejudice any person for assisting a co-employee who is a victim of violence shall likewise be liable for discrimination.

SEC. 136. *Gynecological Leave for Women.* – A woman employee having rendered continuous aggregate employment service of at least six (6) months for the last twelve (12) months shall be entitled to a special leave benefit of two (2) months with full pay based on her gross monthly compensation following surgery caused by gynecological disorders.

SEC. 137. *Bereavement Leave.* – In accordance with Bangsamoro Autonomy Act No. 72, otherwise known as the “*Bangsamoro Bereavement Leave Act of 2025*”, any employee, regardless of employment status, in the private or public sector within BARMM shall be entitled to seven (7) days of bereavement leave with pay annually, following the death of an employee’s immediate family member. In computing the leave period, Saturdays, Sundays, and holidays shall be excluded.

SEC. 138. *Quarantine Leave.* – A non-cumulative and non-convertible to cash quarantine leave benefit of fifteen (15) days with pay shall be available to all employees within BARMM when required to undergo quarantine or self-isolation by a public health authority. The quarantine leave shall only be available during a public health crisis or pandemic, and subject to such rules and regulations that MOLE shall issue consistent with governing health protocols.

SEC. 139. *Non-Preclusion of More Favorable Benefits.* – Nothing in this Chapter shall prejudice the grant of more favorable benefits that may be provided under a collective bargaining agreement or subsequent national or regional legislation.

CHAPTER IV FACILITIES FOR WOMEN

SEC. 140. *Establishment of Lactation Stations.* – It is hereby mandated that all health and non-health facilities, establishments, or institutions shall establish lactation stations. The lactation stations shall be adequately provided with the necessary equipment and facilities, such as: a lavatory for hand-washing, unless there is an easily-accessible lavatory nearby; a refrigeration or appropriate cooling facilities for storing expressed breast milk; an electrical outlets for breast pumps; a small table; a comfortable seats; and other items, the standards of which shall be defined by the Ministry of Health. The lactation station shall not be located in the toilet.

In addition, all health and non-health facilities, establishments, or institutions shall take strict measures to prevent any direct or indirect form of promotion, marketing, and/or sales of infant formula and/or breast milk substitutes within the lactation stations, or in any promotional event or circumstances.

Apart from the said minimum requirements, all health and non-health facilities, establishments, or institutions may provide other suitable facilities or services within the lactation station.

SEC. 141. *Female Quarters.* – Employers regularly employing at least fifty (50) employees shall be required to provide a quarter for the exclusive use of their female employees.

SEC. 142. *Play and Child-Minding Area.* – Employers regularly employing at least fifty (50) employees shall be required to provide a play and child-minding area or center for toddler children of their employees.

CHAPTER V PROHIBITION OF GENDER-BASED VIOLENCE

SEC. 143. *Declaration of Policy.* – The Bangsamoro Government shall uphold the dignity of workers, employees, applicants for employment, students or those undergoing training, instruction, or education. Towards this end, all forms of gender-based sexual harassment in the employment, education, or training environment are hereby declared unlawful in BARMM.

SEC. 144. *Work, Education, or Training-related Sexual Harassment: Definition.* – Work, education, or training-related sexual harassment is committed by an employer, employee, manager, supervisor, agent of the employer, teacher, instructor, professor, coach, trainer, or any other person who, having authority, influence, or moral ascendancy over another in a work or training or education environment, demands, requests or otherwise requires any sexual favor from the other, regardless of whether the demand, request or requirement for submission is accepted by the object of said act.

a) In a work-related or employment environment, sexual harassment is committed when:

1. The sexual favor as a condition in the hiring or in the employment, re-employment or continued employment of said individual, or in granting said individual favorable compensation, terms, conditions, promotions, or privileges; or the refusal to grant the sexual favor results in limiting segregating or classifying the employee which in any way would discriminate, deprive or diminish employment opportunities otherwise adversely affect said employee;
2. The above acts would impair the employee's rights or privileges under existing labor laws; or
3. The above acts would result in an intimidating, hostile, or offensive environment for the employee.

b) In an education or training environment, sexual harassment is committed:

1. Against one who is under the care, custody, or supervision of the offender;
2. Against one whose education, training, apprenticeship, or tutorship is entrusted to the offender;

3. When the sexual favor is made a condition to the giving of a passing grade, or the granting of honors and scholarships, or the payment of a stipend, allowance, or other benefits, privileges, or considerations; or
4. When the sexual advances result in an intimidating, hostile, or offensive environment for the student, trainee, or apprentice.

Any person who directs or induces another to commit any act of sexual harassment as defined in this Section, or who cooperates in the commission thereof by another, without which it would not have been committed, shall also be held liable under this Code.

SEC. 145. *Duty of the Employer or Head of Office in a Work-related, Education or Training Environment.* – The employer or head of a work-related, educational training environment or institution shall prevent or deter the commission of acts of sexual harassment and shall provide the procedures for the resolution, settlement, or prosecution of acts of sexual harassment. The employer or head of office shall:

- a) Promulgate appropriate rules and regulations in consultation with and jointly approved by the employees, students, or trainees, through their duly designated representatives, prescribing the procedure for the investigation of sexual harassment cases and the administrative sanctions therefor.

Administrative sanctions shall not be a bar to prosecution in the proper courts for unlawful acts of sexual harassment.

The said rules and regulations issued pursuant to this subsection (a) shall include, among others, guidelines on proper decorum in the workplace and educational or training institutions; and

- b) Create a committee on decorum and the investigation of sexual harassment cases. The committee shall conduct meetings, as the case may be, with officers and employees, teachers, instructors, professors, coaches, trainers, and students or trainees to increase understanding and prevent incidents of sexual harassment. It shall also conduct the investigation of alleged cases constituting sexual harassment.

In the case of a work-related environment, the committee shall be composed of at least one (1) representative each from the management, the union, if any, the employees from the supervisory rank, and from the rank-and-file.

In the case of the educational or training institution, the committee shall be composed of at least one (1) representative from the administration, trainers, teachers, instructors, professors or coaches, and students or trainees, as the case may be.

The employer or head of office, educational or training institution shall disseminate or post a copy of the rules and regulations which MOLE shall issue to implement this Section and other anti-sexual harassment laws for the information of all concerned.

SEC. 146. *Liability of the Employer, Head of Office, Educational or Training Institution.* – The employer or head of office, educational or training institution shall be solidarily liable for damages arising from the acts of sexual harassment committed in the employment, education, or training environment if the employer or head of office, educational or training institution is informed of such acts by the offended party and no immediate action is taken thereon.

SEC. 147. *Penalties.* – MOLE shall impose a fine of not less than Fifty Thousand Pesos (PHP50,000.00), but not more than One Million Pesos (PHP1,000,000.00) for any violation of Sections 145 to 147, depending on the gravity of the offense, without prejudice to administrative, civil, and criminal penalties that may be imposed under existing laws.

SEC. 148. *Prohibition Against Gender-Based Crimes.* – Employers or other persons of authority, influence, or moral ascendancy in a workplace shall have the duty to prevent, deter, or punish the performance of acts of gender-based sexual harassment in the workplace.

SEC. 149. *Gender-Based Sexual Harassment in the Workplace.* – Gender-based sexual harassment in the workplace includes the following:

- a) An act or series of acts involving any unwelcome sexual advances, requests or demands for sexual favors or any act of sexual nature, whether done verbally, physically, or through the use of technology such as text messaging or electronic mail or through any other forms of information and communication systems, that have or could have a detrimental effect on the conditions of an individual's employment or education, job performance or opportunities;
- b) A conduct of sexual nature and other conduct-based on sex affecting the dignity of a person, which is unwelcome, unreasonable, and offensive to the recipient, whether done verbally, physically, or through the use of technology such as text messaging or electronic mail, or through any other forms of information and communication systems; and
- c) A conduct that is unwelcome and pervasive and creates an intimidating, hostile, or humiliating environment for the recipient: *Provided*, That the crime of gender-based sexual harassment may also be committed between peers and those committed to a superior officer by a subordinate, or to a teacher by a student, or to a trainer by a trainee.

“Information and communication system” refers to a system for generating, sending, receiving, storing, or otherwise processing electronic data messages or electronic documents and includes the computer system or other similar devices by or in which data are recorded or stored and any procedure related to the recording or storage of electronic data messages or electronic documents.

SEC. 150. *Duties of Employers to Prevent or Punish Acts of Gender-Based Sexual Harassment in the Workplace.* – Employers or other persons of authority, influence, or moral ascendancy in a workplace shall have the duty to prevent, deter, or punish the performance of acts of gender-based sexual harassment

in the workplace. Towards this end, the employer or person of authority, influence, or moral ascendancy shall:

- a) Disseminate, or post in a conspicuous place, a copy of this Chapter and rules and regulations to all persons in the workplace;
- b) Provide measures to prevent gender-based sexual harassment in the workplace, such as the conduct of anti-sexual harassment seminars;
- c) Create an independent internal mechanism or a committee on decorum and investigation to investigate and address complaints of gender-based sexual harassment, which shall:
 1. Adequately represent the management, the employees from the supervisory rank, the rank-and-file employees, and the union, if any;
 2. Designate a woman as its head, and not less than half of its members should be women;
 3. Be composed of members who should be impartial and not connected or related to the alleged perpetrator;
 4. Investigate and decide on the complaints within ten (10) days or less upon receipt thereof;
 5. Observe due process;
 6. Protect the complainant from retaliation; and
 7. Guarantee confidentiality to the greatest extent possible.
- d) Provide and disseminate, in consultation with all persons in the workplace, a code of conduct or workplace policy, which shall:
 1. Expressly reiterate the prohibition on gender-based sexual harassment;
 2. Describe the procedures of the internal mechanism created under Section 151 (c) of this Chapter; and
 3. Set administrative penalties.

SEC. 151. Duties of Employees and Co-Workers. – Employees and co-workers shall have the duty to:

- a) Refrain from committing acts of gender-based sexual harassment;

- b) Discourage the conduct of gender-based sexual harassment in the workplace;
- c) Provide emotional or social support to fellow employees, co-workers, colleagues, or peers who are victims of gender-based sexual harassment; and
- d) Report acts of gender-based sexual harassment witnessed in the workplace.

SEC. 152. *Liability of Employers.* – In addition to liabilities for committing acts of gender-based sexual harassment, employers may also be held responsible for:

- a) Non-implementation of their duties; or
- b) Not taking action on reported acts of gender-based sexual harassment committed in the workplace.

SEC. 153. *Penalties.* – MOLE shall impose a fine of not less than Five Thousand Pesos (PHP5,000.00), but not more than One Hundred Thousand Pesos (PHP100,000.00), depending on the gravity of the offense, to any person who fails to observe their duties as provided in Sections 150 to 152, failed to take action on reported acts of gender based sexual harassment in the workplace, or committed acts of gender-based sexual harassment, without prejudice to administrative, civil, and criminal penalties that may be imposed under existing laws.

SEC. 154. *Routine Inspection.* – MOLE shall conduct yearly spontaneous inspections to ensure compliance of employers and employees with their obligations under this Chapter and related laws.

CHAPTER VI MISCELLANEOUS PROVISIONS ON PROTECTION

SEC. 155. *Prohibition on Discrimination Against Differently-Abled Persons.* – No entity, whether public or private, shall discriminate against a qualified Differently-Abled Person by reason of disability in regard to job application procedures, hiring, promotion, or discharge of employees, employee compensation, job training, and other terms, conditions, and privileges of employment.

SEC. 156. *Prohibition on Discrimination on Account of Age.* – It shall be unlawful for employers, labor contractors or subcontractors, and labor organizations to consider age as a determining factor in hiring, compensation and benefits, separation, and other aspects of employment. The competence of workers shall be the utmost consideration for employment.

SEC. 157. *Right to Disconnect: Guidelines on After-Work-Hours Use of Technology.* – An employee shall not be reprimanded, punished, or otherwise subjected to disciplinary action if he or she disregards a work-related communication sent after work hours. For this purpose, every employer shall issue guidelines on when employees are not required to send or answer work-related electronic mails, texts,

or short messages, or calls. In the absence of workplace guidelines, the rules and regulations set by MOLE shall apply.

SEC. 158. *Unemployment Insurance or Involuntary Separation Benefits.* – The unemployment benefit provided under Section 14-B of Republic Act No. 11199, otherwise known as the “*Social Security Act of 2018*”, shall apply to eligible worker in BARMM who is not over sixty (60) years old, who has paid at least thirty-six (36) monthly contributions to the Social Security System (SSS), twelve (12) months of which should be in the eighteen-month period immediately preceding the involuntary unemployment or separation.

SEC. 159. *Pagtutulungan sa Kinabukasan: Ikaw, Bangko, Industriya at Gobyerno (Pag-IBIG) Fund.* – In the spirit of social justice and the pursuit of national development, all employees covered by the SSS and the GSIS, and their respective employers, including qualified voluntary members, shall be covered by Republic Act No. 9679, also known as the “*Home Development Mutual Fund (HDMF) Law of 2009, otherwise known as Pag-IBIG Fund.*”

SEC. 160. *Universal Health Care System.* – MOLE shall ensure that all employers are complying with the mandatory collection and remittance of their workers’ contributions to the National Health Insurance Program or PhilHealth to guarantee their protection and inclusion therein.

BOOK V EMPLOYMENT RELATIONS

SEC. 161. *Declaration of Policy.* – It is the policy of the Bangsamoro Government to:

- a) Promote and emphasize the primacy of free collective bargaining and negotiations, including voluntary arbitration, mediation, and conciliation, as modes of settling labor or industrial disputes;
- b) Promote free trade unionism as an instrument for the enhancement of democracy and the promotion of social justice and development;
- c) Foster the free and voluntary organization of a strong and united labor movement;
- d) Promote the enlightenment of workers concerning their rights and obligations as union members and as employees;
- e) Provide an adequate administrative machinery for the expeditious settlement of labor disputes and compliance with labor laws;
- f) Ensure a stable but dynamic and just industrial peace;

- g) Ensure the participation of workers in decision and policy-making processes affecting their rights, duties, and welfare; and
- h) Encourage a truly democratic method of regulating the relations between employers and employees through agreements freely entered into collective bargaining agreements.

SEC. 162. *Definition of Terms.* – These words are used in this Code as follows:

- a) “*Arbitration Committee*” – refers to the Arbitration Committee of MOLE, which is vested with the authority to decide on labor disputes that are not resolved through the conciliation-mediation process within MOLE.
- b) “*Bargaining representative*” – refers to a legitimate labor organization or any officer or agent of such organization, whether or not employed by the employer.
- c) “*Bargaining unit*” – refers to a group of employees sharing mutual interests within a given employer unit, comprised of all or less than all of the entire body of employees in the employer unit or any specific occupational or geographical grouping within such employer unit.
- d) “*Bangsamoro Communities Outside the Bangsamoro Autonomous Region (BCOBAR)*” – refers to communities of Bangsamoro people residing in provinces, cities, municipalities, or barangays outside the territorial jurisdiction of the Bangsamoro Autonomous Region, as recognized under Article VI, Section 12 of the OLBARMM.
- e) “*Bangsamoro Labor Conciliation and Arbitration Board*” – refers to the conciliation-mediation and arbitration authority in the region as provided in Chapter III, Book VII of this Code.
- f) “*Bangsamoro Tripartite Industrial Peace Council*” – refers to the tripartite advisement for policies and programs on labor and employment under MOLE.
- g) “*Collective Bargaining Agreement*” – refers to the collectively negotiated agreement between an employer and a labor union that governs wages, hours, and working conditions for employees and which can be enforced against both the employer and the union for failure to comply with its terms.
- h) “*Company union*” – refers to any labor organization whose formation, function, or administration has been assisted by any act defined as unfair labor practice by this Code.
- i) “*Conciliator-Mediator*” – refers to the conciliator-mediator of the BLCAB defined under subparagraph (h), Section 239, Chapter I of Book VII, conducting conciliation-mediation on collective bargaining and issues arising therefrom.

- j) *“Employee”* – includes any person, regardless of status in the employ of an employer. The term shall not be limited to the employees of a particular employer, unless the Code so explicitly states. It shall include any individual whose work has ceased as a result of or in connection with any current labor dispute or because of any unfair labor practice if he or she has not obtained any other substantially equivalent and regular employment.
- k) *“Employer”* – includes any person acting in the interest of an employer, directly or indirectly. The term shall not include any labor organization or any of its officers or agents except when acting as employer.
- l) *“Internal union dispute” otherwise known as “intra-union dispute”* – includes all disputes or grievances arising from any violation of or disagreement over any provision of the constitution and by-laws of a union, including any violation of the rights and conditions of union membership provided for in this Code.
- m) *“Inter-union dispute”* – refers to any dispute between and among legitimate labor unions including representation issues, for purposes of collective bargaining.
- n) *“Labor dispute”* – includes any controversy or matter concerning terms and conditions of employment or the association or representation of persons in negotiating, fixing, maintaining, changing, or arranging the terms and conditions of employment, regardless of whether the disputants stand in the proximate relation of employer and employee.
- o) *“Legitimate labor organization”* – refers to any labor organization in the private sector duly registered with MOLE, and includes any branch or local thereof.
- p) *“Lockout”* – refers to any temporary refusal of an employer to furnish work as a result of a labor dispute.
- q) *“Managerial employee”* – refers to one who is vested with the powers or prerogatives to lay down and execute management policies and/or to hire, transfer, suspend, lay off, recall, discharge, assign, or discipline employees.
- r) *“National Union” or “Federation”* – refers to a group of legitimate labor unions in a private establishment, organized for collective bargaining or for dealing with employers concerning the terms and conditions of employment for their affiliate unions or for participating in the formulation of social and employment policies, standards, and programs, registered or accredited with MOLE.
- s) *“Sole and Exclusive Bargaining Representative”* – refers to a legitimate labor union duly recognized or certified as the sole and exclusive bargaining representative or agent of all the employees in a bargaining unit for collective bargaining.

- t) “*Strike*” – refers to any temporary stoppage of work by the concerted action of employees as a result of a labor dispute.
- u) “*Strike area*” – refers to the establishment, warehouses, depots, plants, or offices, including the sites or premises used as runaway shops, of the employer struck against, as well as the immediate vicinity actually used by picketing strikers in moving to and from all points of entrance to and exit from said establishment.
- v) “*Strike-breaker*” – refers to any person who obstructs, impedes, or interferes with by force, violence, coercion, threats, or intimidation in any peaceful picketing.
- w) “*Unfair labor practice*” – refers to any unfair labor practice as expressly defined by this Code.
- x) “*Union busting*” – refers to a range of activities undertaken to disrupt or prevent the formation of trade unions or their attempts to grow their membership in a workplace. Union- busting tactics can refer to both legal and illegal activities, and can range anywhere from subtle to violent.
- y) “*Voluntary Arbitrator*” – refers to the Voluntary Arbitrator defined under subparagraph (p), Section 239, Chapter I, Book VII of this Code.

CHAPTER I RIGHT TO SELF-ORGANIZATION

SEC. 163. *Coverage of the Right to Self-Organization.* – All persons employed in commercial, industrial, and agricultural enterprises and in religious, charitable, medical, or educational institutions, whether operating for profit or not, shall have the right to self-organization and to form, join, or assist labor organizations of their own choosing for purposes of collective bargaining and in furthering their socio-economic interest through legitimate means. Ambulant, intermittent and itinerant workers, self-employed people, rural workers, and those without any definite employers may form labor organizations for their mutual aid and protection.

SEC. 164. *Right of Employees in the Public Service.* – All government employees, including those employed in government-owned and controlled corporations with original charter, shall have the right to organize and to negotiate collectively the terms and conditions of employment or improvements thereof, in accordance with relevant civil service rules and regulations.

SEC. 165. *Right to Participate in Policy and Decision-Making Processes.* – All workers, whether in the private or public sector, shall have the right to participate in policy and decision-making processes affecting their rights and benefits as may be provided by this Code.

SEC. 166. *Ineligibility of Managerial Employees to Join any Labor Organization; Right of Supervisory Employees.* – Managerial employees are not eligible to join, assist, or form any labor organization. Supervisory employees shall not be eligible for membership in the collective bargaining unit of the rank-and-file employees, but may join, assist, or form separate collective bargaining units and/or legitimate labor organizations of their own. The rank-and-file union and the supervisors’ union operating within the same establishment may join the same federation or national union.

SEC. 167. *Non-Abridgment of Rights to Self-Organization, Collective Bargaining or Negotiations, and to Engage in Peaceful Concerted Activities.* – It shall be unlawful for any person to restrain, coerce, discriminate against, or unduly interfere with workers in their exercise of the rights to self-organization, collective bargaining or negotiation, and peaceful concerted activities, including the right to strike in accordance with law.

The right to self-organization shall include the right to form, join, or assist labor organizations.

SEC. 168. *Effect of Inclusion as Members of Employees Outside the Bargaining Unit.* – The inclusion as union members of employees outside the bargaining unit shall not be a ground for the cancellation of registration of the union. Said employees are automatically deemed removed from the list of membership of said union.

CHAPTER II LABOR ORGANIZATION REGISTRATION AND CANCELLATION

SEC. 169. *Requirements of Registration.* – A federation or union seeking to represent workers in BARMM shall register with MOLE to acquire legal personality and shall be entitled to the rights and privileges granted by law to legitimate labor organizations upon issuance of the certificate of registration based on the following requirements:

- a) One Thousand Pesos (PHP1,000.00) registration fee;
- b) Name of the organization and its principal address in BARMM, names of its officers and their respective addresses, minutes of the organizational meetings, and a list of workers who participated in such meetings;
- c) In case the applicant is an independent union, the names of all its members comprising at least ten percent (10%) of all the employees in the bargaining unit where it seeks to operate;
- d) Annual financial reports if the applicant union has been in existence for one or more years; and
- e) Constitution and by-laws of the applicant union, minutes of its adoption or ratification, and the list of the members who participated in it.

In case the applicant is a federation, the proof of the affiliation of at least five (5) locals or chapters, each of which must be a duly recognized collective bargaining agent in the establishment or industry in which it operates, supporting the registration of such applicant and the names and addresses of the companies where the locals or chapters operate and the list of all the members in each company involved.

SEC. 170. *MOLE Accreditation.* – DOLE-registered labor unions and federations seeking to represent workers in BARMM shall file for accreditation with MOLE.

Only MOLE-accredited labor unions and federations may be entitled to all the rights provided in this Code.

SEC. 171. *Chartering and Creation of a Local Chapter.* – A duly registered or accredited federation may directly create a local chapter by issuing a charter certificate indicating the establishment of the local chapter in the BARMM. The local chapter shall, for purposes of filing a petition for certification election and participating therein, submit to MOLE the charter certificate, constitution and by-laws, and address of its principal office.

The local chapter shall be entitled to all other rights and privileges of a legitimate labor organization upon the submission of the names of the chapter's officers, their addresses, and other additional supporting documents that MOLE may require. All submissions to MOLE shall be certified under oath by the secretary or treasurer of the chapter and attested by its president.

SEC. 172. *Action on Application.* – MOLE shall act on all applications for registration and accreditation within fifteen (15) days from filing. All requisite documents and papers shall be certified under oath by the secretary or the treasurer of the organization, as the case may be, and attested to by its president.

SEC. 173. *Denial of Registration: Appeal.* – The decision denying registration may be appealed by the applicant union or federation to the Minister of Labor and Employment within fifteen (15) days from receipt of notice thereof.

SEC. 174. *Cancellation of Registration.* – The certificate of registration or accreditation of any labor union or federation may be cancelled by MOLE, after due hearing, only on the following grounds:

- a) Misrepresentation, false statement, or fraud in connection with the adoption or ratification of the constitution and by-laws or amendments thereto, the minutes of ratification, and the list of members who took part in the ratification;
- b) Misrepresentation, false statements, or fraud in connection with the election of officers, minutes of the election of officers, and the list of voters; and
- c) Voluntary dissolution or cancellation of the union registration of at least two-thirds of its general membership votes in a meeting duly called for that purpose to dissolve the organization:

Provided, That an application to cancel the union registration or accreditation attested to by the union president is thereafter submitted to MOLE by the secretary of the organization.

SEC. 175. Reportorial Requirements. – The following documents are required to be submitted to the MOLE by the concerned legitimate labor organization:

- a) Constitution and by-laws, or amendments thereto, the minutes of ratification, and the list of members who took part in the ratification of the constitution and by-laws within thirty (30) days from adoption or ratification of the constitution and by-laws or amendments thereto;
- b) List of officers, minutes of the election of officers, and list of voters within thirty (30) days from the election;
- c) Annual financial report within thirty (30) days after the close of every fiscal year; and
- d) List of members at least once a year or whenever required by MOLE.

Failure to comply with the above requirements shall not be a ground for cancellation of union registration but shall subject the erring officers or members to suspension, expulsion from membership, or any appropriate penalty.

CHAPTER III RIGHTS AND CONDITIONS OF MEMBERSHIP

SEC. 176. Rights and Conditions of Membership in a Labor Organization. – The following are the rights and conditions of membership in a labor organization:

- a) No arbitrary or excessive initiation fees shall be required of the members of a legitimate labor organization, nor shall arbitrary, excessive, or oppressive fines and forfeitures be imposed;
- b) The members shall be entitled to full and detailed reports from their officers and representatives of all financial transactions as provided for in the constitution and by-laws of the organization;
- c) The members shall directly elect their officers in the local union, as well as their national officers in the national union or federation to which they or their local union is affiliated, by secret ballot. No qualification requirement for candidacy to any position shall be imposed other than membership in good standing in the subject labor organization. The secretary or any other responsible union officer shall furnish the Minister of Labor and Employment with a list of the newly-elected officers, together with the appointive officers or agents who are entrusted with the handling of funds within thirty (30) calendar days after the election of officers or from the occurrence of any change in the list of officers of the labor organization;

- d) The members shall determine by secret ballot, after due deliberation, any question of major policy affecting the entire membership of the organization, unless the nature of the organization or force majeure renders such secret ballot impractical, in which case, the board of directors of the organization may decide on behalf of the general membership;
- e) No person who has been convicted of a crime involving moral turpitude, including sexual harassment or other sex-related offenses, shall be eligible for election as a union officer or for appointment to any position in the union;
- f) No officer, agent, or member of a labor organization shall collect any fees, dues, or other contributions on its behalf or make any disbursement of its money or funds unless he or she is duly authorized pursuant to its constitution and by-laws;
- g) Every payment of fees, dues, or other contributions by a member shall be evidenced by a receipt signed by the officer or agent making the collection and entered into the record of the organization to be kept and maintained for the purpose;
- h) The funds of the organization shall not be applied for any purpose or object other than those expressly provided by its constitution and by-laws or those expressly authorized by a written resolution adopted by the majority of the members at a general meeting duly called for the purpose;
- i) Every income or revenue of the organization shall be evidenced by a record showing its source, and every expenditure of its funds shall be evidenced by a receipt from the person to whom the payment is made, which shall state the date, the place, and the purpose of such payment. Such record or receipt shall form part of the financial records of the organization. Any action involving the funds of the organization shall prescribe after three (3) years from the date of submission of the annual financial report to MOLE or from the date the same should have been submitted as required by law, whichever comes earlier: *Provided*, That this provision shall apply only to a legitimate labor organization which has submitted the financial report requirements under this Code: *Provided*, further, That failure of any labor organization to comply with the periodic financial reports required by law and such rules and regulations may subject, at the option of the members, the responsible union officer/s to disciplinary proceedings pursuant to the union constitution and by-laws;
- j) The officers of any labor organization shall not be paid any compensation other than the salaries and expenses due to their positions as specifically provided for in its constitution and by-laws, or in a written resolution duly authorized by a majority of all the members at a general membership meeting duly called for the purpose. The minutes of the meeting and the list of participants and ballots cast shall be submitted to MOLE, subject to inspection by the Minister of Labor and Employment or his or her duly authorized representatives. Any irregularities in

the approval of the resolutions shall be a ground for impeachment or expulsion from the organization;

- k) The treasurer of any labor organization and every officer thereof who is responsible for the account of such organization or for the collection, management, disbursement, custody or control of the funds, moneys and other properties of the organization, shall render to the organization and to its members a true and correct account of all moneys received and paid by him or her since he or she assumed office or since the last day on which he or she rendered such account, and of all bonds, securities and other properties of the organization entrusted to his or her custody or under his or her control. The rendering of such account shall be made:
 - 1. At least once a year, within thirty (30) days after the close of its fiscal year;
 - 2. At such other times as may be required by a resolution of the majority of the members of the organization; and
 - 3. Upon vacating his or her office. The account shall be duly audited and verified by affidavit, and a copy thereof shall be furnished to MOLE.
- l) The books of accounts and other records of the financial activities of any labor organization shall be open to inspection by any officer or member thereof during office hours;
- m) No special assessment or other extraordinary fees may be levied upon the members of a labor organization unless authorized by a written resolution of a majority of all the members in a general membership meeting duly called for the purpose. The secretary of the organization shall record the minutes of the meeting, including the list of all members present, the votes cast, the purpose of the special assessment or fees, and the recipient of such assessment or fees. The record shall be attested to by the president.
- n) Other than for mandatory activities under the Code, no special assessments, attorney's fees, negotiation fees, or any other extraordinary fees may be checked off from any amount due to an employee without an individual written authorization duly signed by the employee. The authorization should specifically state the amount, purpose, and beneficiary of the deduction; and
- o) It shall be the duty of any labor organization and its officers to inform its members on the provisions of its constitution and by-laws, collective bargaining agreement, the prevailing labor relations system, and all their rights and obligations under existing labor laws, including culture- and gender-related laws. For this purpose, registered labor organizations may assess reasonable dues to finance labor relations seminars and other labor education activities. Any violation of the above rights and conditions of membership shall be a ground for cancellation of union registration or expulsion of officers from office, whichever is appropriate. At least thirty percent (30%) of the members of a union or any member or members specially concerned

may report such violation to MOLE shall have the power to hear and decide any reported violation to impose the appropriate penalty.

Criminal and civil liabilities arising from violations of the above rights and conditions of membership shall be under the jurisdiction of the courts.

SEC. 177. *Audit of Union Funds.* – The Minister of Labor and Employment or his or her duly authorized representative is empowered to inquire into the financial activities of legitimate labor organizations upon the filing of a complaint under oath and duly supported by the written consent of at least ten percent (10%) of the total membership of the labor organization concerned and to examine their books of accounts and other records to determine compliance or non-compliance with the law and to prosecute and violations of the law and the union constitution and by-laws: *Provided*, That such inquiry or examination shall not be conducted during the sixty (60)-day freedom period nor within the thirty (30) days immediately preceding the date of election of union officials.

SEC. 178. *Duties and Obligations of Labor Organizations and Workers' Associations in Preventing or Addressing Workplace Gender-Based Violence and Sexual Harassment.* – It shall be the duty of officers of unions, labor organizations, and workers' associations to prevent, deter, or punish the performance of acts of gender-based sexual harassment by officers among their members. Towards this end, the officers shall:

- a) Disseminate or post in conspicuous places the organization's Code of Conduct, which expressly prohibits any act of gender-based violence or sexual harassment, including the penalties and the procedures or steps for reporting or filing a complaint;
- b) Regularly conduct an organizational orientation seminar to prevent and address gender-based violence in the workplace and sexual harassment; and
- c) Create an independent committee on decorum and investigation (CODI), as an integral part of the organization's structure, tasked to investigate and address reports or complaints of gender-based violence and sexual harassment within the organization. The organization's CODI shall be impartial, observe confidentiality, and shall act on the report or complaint within ten (10) calendar days from receipt, observing due process.

SEC. 179. *Duties of Labor Organizations and Co-Workers in Preventing or Addressing Workplace Gender-Based Violence and Sexual Harassment.* – Labor organizations and co-workers in workplaces in BARMM shall have the duty to refrain, discourage, and report any act of gender-based violence or sexual harassment in their workplace as provided under Section 152, Chapter V of Book IV. In addition, they shall provide emotional or social support to victims of gender-based violence or sexual harassment.

CHAPTER IV RIGHTS OF LEGITIMATE LABOR ORGANIZATIONS

SEC. 180. *Rights of Legitimate Labor Organizations.* – A legitimate labor organization shall have the right to:

- a) Act as the representative of its members for the purpose of collective bargaining;
- b) Be certified as the exclusive representative of all the employees in an appropriate bargaining unit for purposes of collective bargaining;
- c) Be furnished by the employer, upon written request, with its annual audited financial statements, including the balance sheet and the profit and loss statement, within thirty (30) calendar days from the date of receipt of the request, after the union has been duly recognized by the employer or certified as the sole and exclusive bargaining representative of the employees in the bargaining unit, or within sixty (60) calendar days before the expiration of the existing collective bargaining agreement, or during the collective bargaining negotiation;
- d) Engage in peaceful concerted activities, including the right to strike in accordance with this Code;
- e) Sue and be sued in its registered name;
- f) Undertake all other activities designed to benefit the organization and its members, including cooperative, housing, welfare, and other projects not contrary to law; and
- g) Notwithstanding any provision of a general or special law to the contrary, the income and the properties of legitimate labor organizations, including grants, endowments, gifts, donations and contributions they may receive from fraternal and similar organizations, local or foreign, which are actually, directly, and exclusively used for their lawful purposes, shall be free from taxes, duties, and other assessments. The exemptions provided herein may be withdrawn only by a special law expressly repealing this provision.

CHAPTER V DETERMINATION OF EXCLUSIVE BARGAINING REPRESENTATIVE

SEC. 181. *Sole and Exclusive Bargaining Agent.* – The labor organization designated or selected by a majority of the employees in the appropriate bargaining unit shall be the sole and exclusive bargaining agent of the employees in such a unit for the purpose of collective bargaining.

SEC. 182. *Representation Issue in Organized Establishments.* – In organized establishments, when a verified petition questioning the majority status of the incumbent bargaining agent is filed before

MOLE within the sixty (60)-day period before the expiration of the collective bargaining agreement, the Arbitration Committee of MOLE shall automatically order an election by secret ballot when the verified petition is supported by the written consent of at least twenty-five percent (25%) of all the employees in the bargaining unit to ascertain the will of the employees in the appropriate bargaining unit. To have a valid election, at least a majority of all eligible voters in the unit must have cast their votes. The labor union receiving the majority of the valid votes cast shall be certified as the exclusive bargaining agent of all the workers in the unit. When an election which provides for three or more choices results in no choice receiving a majority of the valid votes cast, a run-off election shall be conducted between the labor unions receiving the two highest numbers of votes: *Provided*, That the total number of votes for all contending unions is at least fifty percent (50%) of the number of votes cast.

At the expiration of the freedom period, the employer shall continue to recognize the majority status of the incumbent bargaining agent where no petition for certification election is filed.

SEC. 183. *Petitions in Unorganized Establishments.* – In any establishment where there is no certified bargaining agent, a certification election shall automatically be conducted by MOLE upon the filing of a petition by a legitimate labor organization.

SEC. 184. *When an Employer May File a Petition.* – When requested to bargain collectively by a legitimate labor organization, an employer may petition MOLE for an election. If there is no existing certified collective bargaining agreement in the unit, the Arbitration Committee of MOLE shall, after hearing, order a certification election.

SEC. 185. *Period to Act on Petition for Certification Election.* – All certification election cases shall be decided within twenty (20) working days from the filing of the petition for certification election.

A certification election shall be conducted within forty-five (45) days from the grant of the petition in accordance with the rules and regulations prescribed by MOLE.

SEC. 186. *Employer as Bystander.* – In all cases, whether the petition for certification election is filed by an employer or a legitimate labor organization, the employer shall not be considered a party thereto with the right to oppose a petition for certification election. The employer's participation in such proceedings shall be limited to:

- a) Being notified or informed of petitions of such nature; and
- b) Submitting the list of employees during the pre-election conference should the Arbitration Committee of MOLE act favorably on the petition.

SEC. 187. *Appeal and Protest.* – Any party to a petition for certification election in an organized establishment may appeal the order of the Arbitration Committee to the Minister of Labor and Employment for violation of rules and regulations on the disposition of the petition for certification election. Whereas,

the results of the election, whether in an organized or unorganized establishment, may be assailed through a protest to the Minister for violation of established mechanics in the conduct of election.

Such appeal or protest shall be decided within fifteen (15) calendar days from filing.

CHAPTER VI COLLECTIVE BARGAINING

SEC. 188. *Meaning of Duty to Bargain.* – The “*duty to bargain collectively*” means the performance of a mutual obligation to meet and convene promptly and expeditiously in good faith for the purpose of negotiating an agreement with respect to wages, hours of work and all other terms and conditions of employment including proposals for adjusting any grievances or questions arising under such agreement and executing a contract incorporating such agreements if requested by either party but such duty does not compel any party to agree to a proposal or to make any concession.

SEC. 189. *Duty to Bargain Collectively.* – In the absence of an agreement or other voluntary arrangement providing for a more expeditious manner of collective bargaining, it shall be the duty of the employer and the representatives of the employees to bargain collectively in accordance with the provisions of this Code.

When there is a collective bargaining agreement, the duty to bargain collectively shall also mean that neither party shall terminate nor modify such agreement during its lifetime. However, either party can serve a written notice to terminate or modify the agreement at least sixty (60) days prior to its expiration date. It shall be the duty of both parties to keep the status quo and to continue in full force and effect the terms and conditions of the existing agreement during the sixty (60)-day period and/or until a new agreement is reached by the parties.

SEC. 190. *Procedures in Collective Bargaining and Negotiations.* – The following procedures shall be observed in collective bargaining:

- a) When a party desires to negotiate an agreement, it shall serve a written notice upon the other party with a statement of its proposals. The other party shall make a reply thereto not later than ten (10) calendar days from receipt of such notice;
- b) Should differences arise based on such notice and reply, either party may request a conference, which shall begin not later than ten (10) calendar days from the date of request;
- c) If the dispute is not settled, the BLCAB conciliator-mediator shall intervene upon request of either or both parties or at its own initiative and immediately call the parties to conciliation meetings. The conciliator-mediator shall have the power to issue subpoenas requiring the attendance of the parties to such meetings. It shall be the duty of the parties to participate fully and promptly in the conciliation meetings that the conciliator-mediator may call;

- d) During the conciliation-mediation proceedings in BLCAB, the parties are prohibited from doing any act which may disrupt or impede the early settlement of the disputes; and
- e) The conciliator-mediator shall exert all efforts to settle disputes amicably and encourage the parties to submit their case to a voluntary arbitrator.

SEC. 191. *Terms of a Collective Bargaining Agreement.* – Any Collective Bargaining Agreement (CBA) that the parties may enter into shall, insofar as the representation aspect is concerned, be for a term of five (5) years. No petition questioning the majority status of the incumbent bargaining agent shall be entertained, and no certification election shall be conducted by MOLE outside of the sixty-day period immediately before the date of expiry of such five-year term of the CBA. All other provisions of the CBA shall be renegotiated not later than three (3) years after its execution. Any agreement on such other provisions of the CBA entered into within six (6) months from the date of expiry of the term of such other provisions as fixed in such CBA, shall retroact to the day immediately following such date. If any such agreement is entered into beyond six (6) months, the parties shall agree on the duration of retroactivity thereof. In case of a deadlock in the renegotiation of the CBA, the parties may exercise their rights under this Code.

SEC. 192. *Union Security Clause.* – Nothing in this Code or in any other law shall stop the parties from requiring membership in a recognized collective bargaining agent as a condition for employment, except for those employees who are already members of another union at the time of the signing of the collective bargaining agreement.

SEC. 193. *Fees, Contributions, and Other Assessments.* – All unions are authorized, subject to individual written authorization issued for the purpose, to collect reasonable membership fees, union dues, assessments and fines, and other contributions for labor education and research, mutual death and hospitalization benefits, welfare fund, strike fund, and credit and cooperative undertakings.

Employees of an appropriate bargaining unit who are not members of the recognized collective bargaining agent may be assessed a reasonable fee as an agency fee, which is equivalent to the dues and other fees paid by members of the recognized collective bargaining agent, if such non-union members accept the benefits under the collective bargaining agreement. An agency fee may be collected without the need for individual written authorization.

CHAPTER VII UNFAIR LABOR PRACTICES

SEC. 194. *Concept of Unfair Labor Practice and Procedure for Prosecution Thereof.* – Unfair labor practices violate the constitutional right of workers and employees to self-organization, are inimical to the legitimate interests of both labor and management, including their right to bargain collectively and otherwise deal with each other in an atmosphere of freedom and mutual respect, disrupt industrial peace, and hinder the promotion of healthy and stable labor-management relations.

Consequently, unfair labor practices are not only violations of the civil rights of both labor and management but are also criminal offenses against the Bangsamoro Region, which shall be subject to prosecution and punishment as herein provided.

The civil aspects of all cases involving unfair labor practices, which may include claims for actual, moral, exemplary, and other forms of damages, attorney's fees, and other affirmative relief, shall be under the jurisdiction of BLCAB. BLCAB shall give utmost priority to the hearing and resolution of all cases involving unfair labor practices. They shall resolve such cases within thirty (30) calendar days from the time they are submitted for decision.

Recovery of civil liability in the administrative proceedings shall bar recovery under the Civil Code. No criminal prosecution under this Book may be instituted without a final judgment finding that an unfair labor practice was committed, having been first obtained in the preceding paragraph. During the pendency of such administrative proceeding, the running of the period of prescription of the criminal offense herein penalized shall be considered interrupted: *Provided, however*, That the final judgment in the administrative proceedings shall not be binding in the criminal case nor be considered as evidence of guilt but merely as proof of compliance with the requirements therein set forth.

SEC. 195. *Unfair Labor Practices of Employers.* – It shall be unlawful for an employer to commit any of the following unfair labor practices to:

- a) Interfere with, restrain, or coerce employees in the exercise of their right to self-organization;
- b) Require as a condition of employment that a person or an employee shall not join a labor organization or shall withdraw from one to which he or she belongs;
- c) Contract out services or functions being performed by union members when such will interfere with, restrain, or coerce employees in the exercise of their rights to self-organization;
- d) Initiate, dominate, assist, or otherwise interfere with the formation or administration of any labor organization, including the giving of financial or other support to it or its organizers or supporters;
- e) Discriminate regarding beliefs, culture, tribal affiliations, wages, hours of work, and other terms and conditions of employment to encourage or discourage membership in any labor organization. Dismiss, discharge, or otherwise prejudice or discriminate against an employee for having given or being about to give testimony under this Code;
- f) Dismiss, discharge, or otherwise prejudice or discriminate against an employee by reason of religion, political affiliation, age, and sex;
- g) Violate the duty to bargain collectively as prescribed by this Code;

- h) Pay negotiation or attorney's fees to the union or its officers or agents as part of the settlement of any issue in collective bargaining or any other dispute; or
- i) Violate a collective bargaining agreement.

The provisions of the preceding paragraph notwithstanding, only the officers and agents of corporations, associations, or partnerships who have actually participated in, authorized, or ratified unfair labor practices shall be held criminally liable.

SEC. 196. *Unfair Labor Practices of Labor Organizations.* – It shall be an unfair labor practice for a labor organization, its officers, agents, or representatives to:

- a) Restrain or coerce employees in the exercise of their right to self-organization. However, a labor organization shall have the right to prescribe its own rules with respect to the acquisition or retention of membership;
- b) Cause or attempt to cause an employer to discriminate against an employee, including discrimination against an employee with respect to whom membership in such organization has been denied, or to terminate an employee on any ground other than the usual terms and conditions under which membership or continuation of membership is made available to other members;
- c) Violate the duty, or refuse to bargain collectively with the employer, provided it is the representative of the employees;
- d) Cause or attempt to cause an employer to pay or deliver or agree to pay or deliver any money or other things of value, in the nature of an exaction, for services which are not performed or not to be performed, including the demand for a fee for union negotiations;
- e) Ask for or accept negotiation or attorney's fees from employers as part of the settlement of any issue in collective bargaining or any other dispute; or
- f) Violate a collective bargaining agreement.

The provisions of the preceding paragraph notwithstanding, only the officers, members of governing boards, representatives or agents, or members of labor associations or organizations who have actually participated in, authorized, or ratified unfair labor practices shall be held criminally liable.

CHAPTER VIII
TRIPARTISM, OTHER SOCIAL DIALOGUE MECHANISMS, AND
MISCELLANEOUS PROVISIONS

SEC. 197. *Bangsamoro Tripartite Industrial Peace Council (BTIPC).* –

- a) Tripartism in labor relations was adopted by the Bangsamoro Government as a policy in labor relations. Towards this end, the Bangsamoro workers and employers shall, as far as practicable, be represented in decision and policy-making bodies in BARMM.
- b) The Minister or his or her duly authorized representatives may, from time to time, call a regional or industrial tripartite conference of representatives of government, workers, and employers for designed to promote industrial peace based on social justice or to align labor movement relations with established priorities in economic and social development in BARMM. In calling such conferences, MOLE may consult with accredited representatives of workers and employers in BARMM.
- c) The BTIPC shall be established, with the Minister as its head, and will include three (3) representatives each from the labor and employers' sectors. The Council shall also have one (1) secretary, one (1) treasurer, and one (1) public information officer. These representatives will be designated by the Chief Minister at regular intervals. For this purpose, MOLE shall establish a sectoral nomination, selection, and recall process in consultation with the sectors observing the "*most representative*" organization criteria outlined in International Labour Organization Convention No. 144.

The Bangsamoro Tripartite Peace Council shall have the following functions:

- 1. To monitor the full implementation of, and compliance by concerned sectors with, the provisions of all tripartite instruments, including international conventions, codes of conduct, and social accords;
- 2. To participate in international, national, regional, or industry-specific tripartite conferences that may be called from time to time by the Chief Minister or the Minister of Labor and Employment;
- 3. To review existing labor, economic, and social policies, and to evaluate local and international developments affecting them;
- 4. To formulate, for submission to the Chief Minister or the Minister, tripartite views, recommendations, and proposals on labor, economic, and social concerns including the presentation of tripartite positions on relevant bills pending in the Bangsamoro Parliament;

5. To serve as a communication channel and a mechanism for undertaking joint programs among the government, workers, employers, and their organizations toward enhancing labor-management relations; and
6. To adopt its own program of activities and rules consistent with development objectives.

SEC. 198. *Labor Management Cooperation or Committee.* – Workers shall have the right, subject to such rules and regulations as the MOLE may promulgate, to participate in policy- and decision-making processes of the establishment where they are employed, insofar as said policies or decisions will affect their rights, benefits, and welfare. For this purpose, workers and employers may form labor-management cooperatives or committees.

In establishments with existing bargaining representatives, the MOLE shall promote and gradually develop, with the agreement of labor organizations and employers, labor-management cooperation at appropriate levels of the enterprise based on shared responsibility and mutual respect, in order to ensure workplace harmony and improvement in productivity, working conditions, and quality of working life.

In unorganized establishments, labor-management committees may be formed voluntarily by workers and employers for the purpose of promoting workplace harmony, productivity, better working conditions, and quality of working life.

The representatives of the workers in labor-management cooperatives or committees shall be elected by at least a majority of all employees in the establishment.

SEC. 199. *Grievance Machinery.* – In an organized establishment, the parties to a collective bargaining agreement shall provide for the establishment of a grievance machinery for the adjustment and resolution of grievances arising from the interpretation or implementation of their collective bargaining agreement, as well as those arising from the interpretation or enforcement of company personnel policies.

In an unorganized establishment, the employer shall establish a grievance machinery, with duly elected representatives of workers, for resolving grievances raised by workers or employees, including, but not limited to, issues arising from company personnel policies, disciplinary actions, or grievances against an immediate supervisor or co-employee.

All grievances submitted to such grievance machinery which are not settled within seven (7) calendar days from the date of its submission shall, as provided in Section 262, Chapter IV, Book VII of this Code, be automatically referred to voluntary arbitration as prescribed in the collective bargaining agreement, or as selected by the employer and worker concerned.

CHAPTER IX MISCELLANEOUS PROVISIONS

SEC. 200. *Study of Labor-Management Relations.* – The Minister of Labor and Employment shall have the power to inquire into the following:

- a) The existing relations between employers and employees in BARMM;
- b) The growth of associations of employees and the effect of such associations upon employer-employee relations;
- c) The extent and results of the methods of collective bargaining in determining the terms and conditions of employment;
- d) The methods that have been tried by employers and associations of employees for maintaining mutually satisfactory relations;
- e) Desirable practices which have been developed through collective bargaining and other voluntary arrangements;
- f) The possible ways of increasing the usefulness and efficiency of collective bargaining in settling differences;
- g) The possibilities for the adoption of practical and effective methods of labor-management cooperation;
- h) Any other aspects of employer-employee relations concerning the promotion of harmony and understanding between the parties; and
- i) The relevance of labor laws and labor relations to regional development.

The Minister of Labor and Employment shall also inquire into the causes of unrest and take all necessary steps within his or her power, as may be prescribed by law, to alleviate the same, and shall, from time to time, recommend the enactment of such remedial legislation as, in his or her judgment, may be desirable for the maintenance and promotion of peace.

SEC. 201. *Labor Education.* – The MOLE shall endeavor to enlighten and educate the workers and employers on their rights and responsibilities through labor education, with emphasis on the policy thrusts of this Code.

The MOLE shall conduct labor education and career guidance counseling for graduating students of all public and private higher educational institutions, including technical-vocational institutions.

SEC. 202. *Other Miscellaneous Provisions.* –

- a) Any employee shall, beginning on his or her first day of service, be considered an employee for purposes of membership in any labor union.
- b) No docket fee shall be assessed in labor standards disputes. In all other disputes, docket fees may be assessed against the filing party.
- c) To ensure speedy labor justice, the periods provided in this Code within which decisions or resolutions of labor relations cases or matters are to be rendered shall be mandatory.
- d) The MOLE shall extend assistance to all BARMM labor organizations by integrating a Bangsamoro workers organization and development program for union or workers' association organizational development, as well as a labor and employment education services program.
- e) The MOLE shall promulgate rules and regulations on the giving and receiving of foreign donations, grants, or other forms of assistance to any labor organization or employer's organization.
- f) The MOLE, in coordination with appropriate national government agencies and local government units where BCOBAR are located, shall extend programs, services, and other forms of assistance to Bangsamoro workers in these communities to protect their labor rights, promote gainful employment, and enhance their economic, social, and cultural development.

**CHAPTER X
STRIKES AND LOCK-OUTS**

SEC. 203. *Right to Peaceful Picketing, Strike and Lockout.* – It is the policy of the Bangsamoro Government to encourage free trade unionism and free collective bargaining. The Bangsamoro Government recognizes the right of workers and employers to engage in concerted activities for purposes of collective bargaining or for their mutual benefit and protection. The right of legitimate labor organizations to engage in picketing and striking, and the right of employers to declare a lockout, shall be respected.

No labor union may strike, and no employer may declare a lockout, on grounds involving inter-union or intra-union disputes.

SEC. 204. *Filing of Notice of Strike or Lockout and Cooling-off Period.* – In case of bargaining deadlocks, the duly certified or recognized bargaining agent may file a notice of strike, or the employer may file a notice of lockout, with the BLCAB at least thirty (30) calendar days before the intended date thereof. In cases of unfair labor practice, the period of notice shall be fifteen (15) calendar days. In the absence of a duly certified or recognized bargaining agent, the notice of strike may be filed by any legitimate labor organization on behalf of its members. The required notice periods are referred to as cooling-off periods.

The notice must be in accordance with such implementing rules and regulations as the BLCAB may promulgate.

SEC. 205. *Exception to Cooling-off Period.* – In the case of dismissal from employment of union officers duly elected in accordance with the union constitution and by-laws, which may constitute union-busting and threaten the existence of the union, the fifteen (15)-day cooling-off period shall not apply. After filing a notice of strike, the union may take action immediately.

SEC. 206. *Conciliation-mediation of Labor Disputes.* – During the cooling-off period, it shall be the duty of the Conciliator-Mediator to exert all efforts in conciliation and mediation to effect a voluntary settlement.

SEC. 207. *Conduct of Strike or Lockout Vote and Observance of Strike Ban Period.* – A decision to declare a strike must be approved by a majority of the total union membership in the bargaining unit concerned, obtained by secret ballot in meetings or referenda called for that purpose. A decision to declare a lockout must be approved by a simple majority of the board of directors of the corporation or association, or of the partners in a partnership, obtained by secret ballot in a meeting called for that purpose. The decision shall be valid for the duration of the dispute, based on substantially the same grounds considered when the strike or lockout vote was taken. The BLCAB may, on its own initiative or upon the request of any affected party, supervise the conduct of the secret balloting.

In every case, the union or the employer shall furnish the BLCAB or the handling Conciliator-Mediator with the results of the voting at least seven (7) calendar days before the intended strike or lockout, subject to the cooling-off period provided herein. If the report is filed on or before the expiration of the cooling-off period, the seven (7) days shall be counted from the expiration of the cooling-off period. However, if the strike vote report is filed after the expiration of the cooling-off period, the seven (7) days shall be counted from the date of filing. In counting the period, the first day shall be excluded and the last day included.

SEC. 208. *Improved Offer Balloting.* – In an effort to settle a strike, the Conciliator-Mediator shall conduct a referendum by secret ballot on the improved offer of the employer on or before the thirtieth (30th) day of the strike. When at least a majority of the union members vote to accept the improved offer, the striking workers shall immediately return to work, and the employer shall thereupon readmit them upon the signing of the agreement.

SEC. 209. *Conduct of Referendum in Case of Lockout.* – In case of a lockout, the handling Conciliator-Mediator shall conduct a referendum by secret balloting on the reduced offer of the union on or before the thirtieth (30th) day of the lockout. When at least a majority of the board of directors, trustees, or the partners holding the controlling interest in the case of a partnership vote to accept the reduced offer, the workers shall immediately return to work, and the employer shall thereupon readmit them upon the signing of the agreement.

SEC. 210. *Assumption of Jurisdiction Over Labor Disputes in Essential Services.* – When a labor dispute exists that is causing, or is likely to cause, a strike or lockout in an enterprise providing essential services, the Minister of Labor and Employment may assume jurisdiction over the dispute and certify the

same to the BLCAB for compulsory summary arbitration. The BLCAB shall render a decision, award, or order within fifteen (15) calendar days from date of certification. Such certification shall have the effect of automatically enjoining the intended or impending strike or lockout as specified in the certification order. If a strike or lockout has already taken place at the time of certification, all striking or locked-out employees shall immediately return to work, and the employer shall immediately resume operations and readmit all workers under the same terms and conditions prevailing before the strike or lockout; *Provided, however,* That where there is no decision within the said fifteen-day period, the parties may exercise their respective rights under this Code.

Essential services refer to functions or services rendered by an establishment which, if interrupted, would endanger the life, personal safety, or health of all or part of the population. For this purpose, the Minister, by appropriate regulations, shall determine the industries engaged in essential services in consultation with the BTIPC.

SEC. 211. *Labor Disputes in Industries Engaged in Essential Services.* – In labor disputes affecting industries engaged in essential services, it shall be the duty of both the union and the employer to provide and maintain the operation or delivery of services.

In case of hospitals, clinics, or medical institutions, the union and the employer shall provide and maintain an effective and functional workforce whose movement and services shall be unhindered and unrestricted, as necessary to ensure the proper and adequate protection of the life, personal safety, and health of patients, particularly in emergency cases, for the duration of the labor dispute.

SEC. 212. *Assumption of Jurisdiction by the Chief Minister or the President of the Philippines.* – The foregoing notwithstanding, the President of the Philippines or the Chief Minister shall not be precluded from determining the industries that, in his or her opinion, are engaged in providing essential services, and from intervening at any time to assume jurisdiction over any such labor dispute in order to expedite its the settlement or termination on the ground of a declared public health emergency or acute regional or national emergency.

SEC. 213. *Submission of Assumed Labor Dispute to Voluntary Arbitration.* – Before or at any stage of the compulsory arbitration proceedings before the BLCAB, the parties may opt to submit their dispute to voluntary arbitration.

SEC. 214. *Period to Decide the Assumed Labor Dispute.* – The BLCAB or the voluntary arbitrator shall decide or resolve the dispute within fifteen (15) calendar days from the date of certification or submission of the agreement, as the case may be. The decision, award, or order of the BLCAB or the voluntary arbitrator on the assumed labor dispute shall be final and executory ten (10) calendar days after receipt thereof by the parties, unless restrained by the Court of Appeals or the Supreme Court.

SEC. 215. *Prohibited Activities.* – The following shall be considered as prohibited activities:

- a) No labor organization or employer shall declare a strike or lockout without first having engaged in collective bargaining, or without first having filed the notice required in the preceding

Section, or without first having obtained and reported to the BLCAB the necessary strike or lockout vote.

No strike or lockout shall be declared after assumption of jurisdiction by the Chief Minister or the Minister, or after certification or submission of the dispute to compulsory or voluntary arbitration, or during the pendency of cases involving the same grounds for the strike or lockout;

- b) Any worker whose employment has been terminated as a consequence of an illegal lockout shall be entitled to reinstatement with full back wages.

Mere participation of a workers or union officer in a strike declared illegal for failure to comply with the procedural requirements under this Chapter shall not be a ground for termination of his or her employment, even if a replacement had been hired by the employer during such strike;

- c) No person shall obstruct, impede, or interfere, by force, violence, coercion, threats, or intimidation, any concerted action, including picketing by employees during any labor controversy or in the exercise of the right to self-organization or collective bargaining, nor shall any person aid or abet such obstruction or interference.

Any worker or union officer who, after due determination, knowingly and voluntarily participates in the commission of a crime during a strike shall be accorded due process and proceeded against in accordance with Section 216 of this Chapter;

- d) No employer shall use or employ any strike-breaker, nor shall any person be employed as a strike-breaker; and
- e) No person engaged in picketing shall commit any act of violence, coercion, or intimidation, or obstruct the free ingress to or egress from the employer's premises for lawful purposes, or obstruct public thoroughfares.

No public official or employee, including officers and personnel of the Armed Forces of the Philippines (AFP) or the PNP, or armed persons, private security guards, and similar personnel in the private security agencies shall introduce or escort replacement workers in any manner. The police force shall remain out of the picket lines unless actual violence or other criminal acts occur therein.

However, the Minister of Labor and Employment or the BLCAB may seek the assistance of law enforcement agencies to maintain peace and order, protect life and property, and/or enforce the law and legal order.

SEC. 216. Requirement for Arrest and Detention. – Recognizing the primary jurisdiction of the MOLE over labor disputes and trade union activities in the BARMM, no union member or union organizer shall be invited for questioning, arrested, or detained in connection with any case arising out of, or related to, a labor dispute involving the exercise of workers' and trade unionists' freedom of association, and their

rights to organize, collective bargaining, participate in concerted actions, and other trade union activities, without prior clearance from the MOLE.

BOOK VI POST-EMPLOYMENT

SEC. 217. *Coverage.* – The provisions of this Book shall apply to all establishments or undertakings in the BARMM, whether for profit or not.

SEC. 218. *Security of Tenure.* – All employees, irrespective of employment status or position, shall not be dismissed without just or authorized cause and observance of due process.

A dismissal without just or authorized cause and due process is illegal. An illegally dismissed employee shall be entitled to reinstatement without loss of seniority rights and benefits. Additionally, the employee shall be entitled to full back wages, accrued benefits, and remunerations provided by law, company policy, or collective bargaining agreement, if any, computed from the time compensation was withheld up to the time of actual reinstatement. Unremitted SSS, PhilHealth, Pag-IBIG, and other mandatory contributions shall likewise be paid. Actual, nominal, moral, exemplary, and other forms of damages may also be awarded.

CHAPTER I STATUS OF EMPLOYMENT

SEC. 219. *Regular Employment.* – An employee is deemed regular under any of the following circumstances:

- a) By nature of work – when the employee has been engaged to perform activities that are usually necessary or desirable in the usual business or trade of the employer.
- b) By length of service – when the employee has rendered at least one (1) year of service, whether such service is continuous or broken.

SEC. 220. *Project and Seasonal Employee.* – Project employment refers to employment in an existing project or undertaking, the completion or termination of which has been determined and made known to the employee at the time of the engagement. Seasonal employment refers to employment based on the existence of a season in agricultural work or established periods of increased work demand and/or inherent industry fluctuations.

Project and seasonal employees are deemed regular in the following instances:

- a) Throughout the duration of the project or season, as the case may be; and

- b) When they are continuously and repeatedly engaged and, upon completion of the project or during off-season, are temporarily laid off or placed on standby.

SEC. 221. *Fixed Term.* – Fixed-term employees are those whose employment contracts provide for a fixed period, and such period was knowingly and voluntarily agreed upon by the parties, without any force, duress, or improper pressure being brought to bear upon the employee, and absent any other circumstances vitiating his or her consent; or it satisfactorily appears that the employer and the employee dealt with each other on substantially equal terms, with no moral dominance exercised by either party. When the period is imposed to prevent an employee from acquiring his or her security of tenure, the employee shall be deemed a regular employee.

SEC. 222. *Probationary Employment.* – Probationary employment is an arrangement whereby an employee is required to undergo a trial period not exceeding six (6) months from the first day of service to determine his or her fitness to qualify based on the job description and standards made known by the employer to the employee at the time of the engagement.

The services of a probationary employee may be terminated for just or authorized cause, or when he or she fails to qualify. A probationary employee who is allowed to continue employment after the probationary period shall be considered a regular employee.

CHAPTER II SERVICE CONTRACTING

SEC. 223. *Prohibition Against Labor-Only Contracting.* – Labor-only contracting violates workers' right to security of tenure and is prohibited.

Labor-only contracting exists when the contractor or subcontractor merely recruits, supplies, or places workers to perform a job, work, or service for a principal, and any of the following circumstances are present:

- a) The contractor or subcontractor does not have substantial capital or investment related to the job, work, or service to be performed, and the employees recruited, supplied, or placed by such contractor or subcontractor are performing activities that are directly related to the main business of the principal; or
- b) The contractor does not exercise the right to control the performance of the work of the contractual employee.

In all cases where labor-only contracting is present, the workers shall be deemed regular employees of the principal, retroactive to the date they were first deployed to the principal.

Subject to the rules and regulations to be issued by the MOLE, a compliance order affirmed by the Minister of Labor and Employment shall be immediately executory unless restrained by an appropriate court.

In case the compliance order involves a directive to regularize workers, the employment of the latter shall not be terminated pending appeal of such order, except for just or authorized cause. Any termination of workers pending appeal shall render the compliance order involving the regularization of workers immediately executory.

Additionally, the MOLE shall impose a fine of Five Million Pesos (PHP5,000,000.00) against the labor-only contractor and its principal. The MOLE shall also have the power to preventively or permanently close the operations of any labor-only contractor.

SEC. 224. *Mandatory Licensing of Contractors.* – It shall be mandatory for all persons or entities engaged in contracting in the BARMM to obtain a license from the MOLE, notwithstanding their existing license with other agencies. The license shall be issued to qualified contractors upon compliance with the following requirements:

- a) Have an independent business, separate and distinct from the principal;
- b) Paid-up capital or net worth of at least Five Million Pesos (PHP5,000,000.00), which may be increased as deemed appropriate through tripartite consultation;
- c) An expert or specialist on the job, work, or service being contracted that is not directly related to the principal business of the principal. For this purpose, expertise or specialization shall be established by showing, among others, a core of competent professionals or skilled workers especially trained to carry out the job, work, or service, or a track record in such field of specialization;
- d) An employer with regular employees and with equipment, machinery, or tools necessary to perform or complete the job, work, or service contracted out;
- e) Exercise control over the performance and completion of the job, work, or service contracted out;
- f) Certification of compliance with labor and social welfare laws, including proof of payment of social security, PhilHealth, and HDMF or Pag-IBIG contributions; and
- g) Payment of a license fee, which shall not be lower than Fifty Thousand Pesos (PHP50,000.00).

The license shall be valid for a period of three (3) years and may be renewed upon compliance with the requirements prescribed by the MOLE. In all cases, the contractor shall demonstrate that it has the financial capacity to carry on its business, based on factors such as, but not limited to, the number of its employees and the nature of its business.

Any legitimate labor organization shall have access to copies of licenses issued to contractors and all submissions made in connection with such license.

For this purpose, the MOLE, in consultation with the BTIPC, shall issue the appropriate regulations for the licensing, renewal, suspension, and revocation of licenses of contractors, including the accountabilities of the licensing officer in cases where the license issued is in violation of, or in simulation of, any of the requirement for licensing enumerated above, or upon finding labor-only contracting committed by a duly licensed contractor.

In no case shall private recruitment and placement agencies or private employment agencies under Section 9, Book I of this Code, be allowed to engage in contracting.

SEC. 225. *Rights of Employees under Service Contracting.* – The terms and conditions of employment of employees under service contracting shall not be lower than the minimum standards provided by law and regulations.

SEC. 226. *Posting of Bond.* – The principal may require the contractor or subcontractor to furnish a bond equal to the cost of labor under the contract, on condition that the bond shall secure the wages due to the employees in the event that the contractor or subcontractor fails to pay the same.

SEC. 227. *Solidary Liability.* – The provisions of existing laws to the contrary notwithstanding, every principal shall be held solidarily liable with the service contractor for any violation of any provision of this Code. For purposes of determining the extent of their civil liability under this Chapter, principals and service contractors shall be considered as direct employers.

CHAPTER III GROUNDS FOR TERMINATION OF EMPLOYMENT

SEC. 228. *Just Cause of Termination by Employer.* – An employer may terminate an employment for any of the following causes:

- a) Serious misconduct or willful disobedience by the employee of the lawful orders of his or her employer or representative in connection with his or her work;
- b) Gross and habitual neglect by the employee of his or her duties;
- c) Fraud or willful breach by the employee of the trust reposed by his or her employer or duly authorized representative;
- d) Commission of a crime or offense by the employee against the person of his or her employer, any immediate member of his or her family, or his or her duly authorized representatives; and
- e) Other causes analogous to the foregoing.

SEC. 229. *Closure of Establishment and Reduction of Employees.* – The employer may terminate the employment of any employee due to the installation of labor-saving devices, redundancy, retrenchment

to prevent losses, or the closing or cessation of operations of the establishment or undertaking, unless the closure is for the purpose of circumventing the provisions of this Title, by serving a written notice to the workers and the MOLE at least one (1) month before the intended date thereof.

In case of termination due to the installation of labor-saving devices or redundancy, the affected employee shall be entitled to a separation pay equivalent to at least one (1) month's pay or at least one (1) month's pay for every year of service, whichever is higher. In cases of retrenchment to prevent losses, closures or cessation of operations not due to serious business losses or financial reverses, the separation pay shall be equivalent to one (1) month's pay or at least one-half (1/2) month's pay for every year of service, whichever is higher. A fraction of at least six (6) months shall be considered one (1) whole year.

For retrenchment, the same shall be valid upon submission and verification by the MOLE of an independently audited financial statement; an undertaking under oath that the termination is a last resort with a commitment for priority re-hiring to positions for which the retrenched employees are qualified; and fair and reasonable criteria in ascertaining which shall be dismissed or retained. The audited financial statement should establish that the retrenchment is reasonably necessary to prevent business losses or, if losses are already incurred, that such losses are not merely de minimis, but substantial, serious, actual, and real, or, if only expected, reasonably imminent.

In the event of redundancy, there must be a clear showing that the positions or services of the employees are superfluous or in excess of what is reasonably demanded by actual requirements of the enterprise to operate economically and efficiently. There must also be fair and reasonable criteria in selecting the employees to be affected, and adequate proof of redundancy, such as, but not limited to, a new staffing pattern, feasibility studies or proposals on the viability of the newly created positions, job descriptions, and management approval of the restructuring.

SEC. 230. Proof of Authorized Cause. – Within the prescribed one (1) month period required under Section 229, the employer shall submit to the MOLE for validation the proof and undertaking establishing the existence of an authorized cause.

SEC. 231. Worker Preference in Case of Bankruptcy. – In the event of bankruptcy, workers shall have preference with respect to their wages and other monetary claims. Such unpaid wages and monetary claims shall be paid in full before the claims of the government and other creditors are satisfied.

SEC. 232. Disease as Ground for Termination. – Where an employee suffers from a disease and continued employment is prohibited by law or prejudicial to his or her health or to the health of his or her co-employees, the employer shall not terminate employment unless there is a certification by a competent public health authority that the disease is of such nature or at such a stage that it cannot be cured within six (6) months even with proper medical treatment. If the disease or ailment can be cured within this period, the employer shall not terminate the employee but shall require the employee to take a leave of absence. The employer shall reinstate the employee to his or her former position without loss of seniority rights immediately upon the restoration of normal health.

An employee shall not be terminated on the grounds of being afflicted by emerging or re-emerging infectious diseases.

SEC. 233. *Termination by Employee.* –

- a) An employee may terminate the employee-employer relationship without just cause by serving the employer a written notice at least one (1) month in advance. If no such notice is given, the employer may hold the employee liable for damages.
- b) An employee may end the relationship without observing the one-month advance notice to the employer for any of the following just causes:
 - 1. Serious insult by the employer or his or her representative to the honor and person of the employee;
 - 2. Inhuman and unbearable treatment accorded to the employee by the employer or his or her representative; and
 - 3. Commission of sexual harassment and/or other sexually related offenses, regardless of conviction;
- c) Commission of a crime or offense by the employer, or his or her representative against the person of the employee, or any of the immediate members of his or her family; and
- d) Other causes analogous to any of the foregoing.

SEC. 234. *Standard of Due Process in Termination of Employment.* – Subject to the constitutional right of workers to security of tenure and their right to be protected against dismissal except for a just and authorized cause, the employer shall furnish the worker whose employment is sought to be terminated a written notice containing a statement of the causes for termination, and shall afford the latter ample opportunity to be heard and to defend himself or herself, with the assistance of his or her representative if he or she so desires in accordance with company rules and regulations promulgated pursuant to guidelines set by the MOLE. Any decision taken by the employer shall be without prejudice to the worker's right to contest the validity or legality of his or her dismissal by filing a complaint with the BLCAB. The burden of proving that the termination was for a valid or authorized cause shall rest on the employer.

SEC. 235. *Suspension of Termination of Employment.* – The BLCAB may suspend the effects of the termination of employment pending resolution of the dispute in the event of a *prima facie* finding that the termination may cause a serious labor dispute or is being implemented as part of a mass lay-off.

SEC. 236. *When Employment is not Deemed Terminated.* – The bona fide suspension of the operation of a business or undertaking for a period not exceeding six (6) months, or the fulfillment by an employee of military or civic duty, shall not terminate employment. In all such cases, the employer shall reinstate the employee to his or her former position without loss of seniority rights if the employee indicates their desire to resume work not later than one (1) month from the resumption of operations of the employer or from relief from the military or civic duty.

CHAPTER IV RETIREMENT

SEC. 237. *Retirement.* – Any employee may be retired upon reaching the retirement age established in the collective bargaining agreement, applicable employment contract, or applicable law for specific occupations, such as surface miners and racehorse jockeys.

In case of retirement, the employee shall be entitled to receive retirement benefits earned under existing laws and any collective bargaining agreement or other agreements: *Provided, however,* That the employee's retirement benefits under any collective bargaining or other agreements shall not be less than those provided herein.

Except for occupations providing for a specific retirement age or as indicated in a retirement plan or agreement, an employee may retire upon reaching the age of sixty (60) years or more, but not beyond the compulsory retirement age of sixty-five (65) years; *Provided,* That he or she has served for at least five (5) years in the establishment.

Upon retirement, an employee shall be entitled to retirement pay equivalent to at least one-half (1/2) month's salary for every year of service, a fraction of at least six (6) months being considered as one whole year.

Unless the parties provide for broader inclusions, the term one-half (1/2) month's salary shall mean fifteen (15) days' pay plus one-twelfth (1/12) of the thirteenth (13th) month pay and the cash equivalent of not more than five (5) days of service incentive leave.

In cases of optional retirement, the employer shall grant all benefits due to the employee, except those benefits provided by the National Government through its various agencies, such as, but not limited to, those covered under the SSS. In such cases, benefits which are the subject of other laws shall be granted in accordance with said laws.

Retail, service, and agricultural establishments or operations employing not more than ten (10) employees or workers are exempted from the coverage of this Section.

Nothing in this Section shall deprive any employee of benefits to which he or she may be entitled under existing laws or company policies or practices.

BOOK VII BANGSAMORO LABOR JUSTICE ADMINISTRATION

CHAPTER I GENERAL PROVISIONS

SEC. 238. *Declaration of Policy.* – Pursuant to the mandate of Section 3, Article XIII of the 1987 Philippine Constitution and Section 10, Article IX of Republic Act No. 11054, otherwise known as the "*Organic Law for the Bangsamoro Autonomous Region in Muslim Mindanao*", it is hereby declared the

policy of the BARMM Government to promote alternative modes of dispute resolution in the administration of labor justice in the BARMM. Accordingly, in a fair, expeditious, non-litigious, inexpensive, and accessible manner, all labor and employment disputes in the Region, except for those expressly excluded by law and the rules and regulations, shall, at the outset, be resolved through conciliation-mediation before resorting to compulsory or voluntary arbitration.

SEC. 239. Definition of Terms. – As used in this Act, and consistent with existing national laws, the following terms shall mean:

- a) “*Arbitration*” – refers to compulsory arbitration before the Board, whether *en banc* or individually, or voluntary arbitration before a Voluntary Arbitrator designated by the parties in their collective bargaining agreement or through an established selection process. It is a dispute resolution process whereby a labor dispute is resolved through an order or decision consistent with this Code, related laws, and their implementing rules and regulations.
- b) “*Arbitrator*” – refers to the Board, *en banc* or individually, or to a voluntary arbitrator.
- c) “*BLCAB*” – refers to the Bangsamoro Labor Conciliation and Arbitration Board, the conciliation-mediation and arbitration authority in the Region.
- d) “*Board*” – refers to the governing body of BLCAB.
- e) “*BVATC*” – refers to the Bangsamoro Voluntary Arbitration Tripartite Council, established to administer the Bangsamoro Voluntary Arbitration Program and attached to the BLCAB for supervision.
- f) “*Collective Bargaining Agreement (CBA)*” – refers to the Collective Bargaining Agreement as defined under subparagraph (g), Section 162, Book V of this Code.
- g) “*Conciliation-Mediation*” – refers to non-litigious, non-adversarial, inexpensive, and expeditious labor dispute settlement process, free from legal technicalities, wherein a third party neutral, the Conciliator-Mediator, facilitates a wide range of possible approaches or solutions to the parties’ dispute or grievance.
- h) “*Conciliator-Mediator*” – refers to an officer of the BLCAB whose principal function is to assist in the settlement and disposition of labor-management disputes through conciliation-mediation and preventive mediation, including the promotion and encouragement of voluntary approaches to labor disputes prevention and settlement.
- i) “*Grievance*” – refers to a complaint arising from the interpretation or implementation of a CBA, and those arising from the interpretation or enforcement of company rules and regulations, personnel policies, and established practices, or any other controversy involving an employer-employee relationship.

- j) “*Grievance Machinery*” – refers to the mechanism for the adjustment and resolution of grievances arising from the interpretation or implementation of a CBA and those arising from the interpretation or enforcement of company personnel policies.
- k) “*Labor Dispute*” – refers to the term as defined under subparagraph (n), Section 162, Book V of this Code.
- l) “*Preventive Mediation*” – refers to conciliation-mediation assistance upon a formal or informal request by either or both parties, or upon the initiative of the BLCAB.
- m) “*SEnA*” – refers to Single Entry Approach, a first instance conciliation-mediation service designed to provide a speedy, impartial, inexpensive, and accessible settlement procedure for all labor issues or conflicts, to prevent them from ripening into full-blown disputes.
- n) “*Sub-Region*” – refers to the subdivided territorial jurisdiction of the BARMM, namely:
 - 1. South Central Mindanao; composed of Maguindanao del Norte, Maguindanao del Sur, Cotabato City and the Special Geographic Area;
 - 2. North Central Mindanao composed of Lanao del Sur and Marawi City; and
 - 3. South Western Mindanao composed of Basilan and Tawi-Tawi.
- o) “*Voluntary Arbitration*” – refers to a mode of settling labor disputes whereby the parties select a competent, trained, and impartial third person who shall decide on the merits of the case and whose decision is final and executory.
- p) “*Voluntary Arbitrator*” – refers to any person accredited by the BVATC as such, or any person named or designated in the CBA by the parties to act as their voluntary arbitrator, or one chosen by the parties, with or without the assistance of the Board, pursuant to a selection procedure agreed upon in the CBA, or selected by the Board from the list of accredited voluntary arbitrators through a selection procedure in case the parties fail to agree on their voluntary arbitrator. The term includes a Panel of Arbitrators.

CHAPTER II

LABOR STANDARDS ENFORCEMENT

SEC. 240. *Visitorial and Enforcement Power of the Minister.* –

- a) The Minister of Labor and Employment, or his or her duly authorized representatives, shall have access to employer’s records and premises at any time of the day or night whenever work is being undertaken therein. The Minister or his or her representatives shall have the right to copy records, question any employee, and investigate any fact, condition, or matter necessary

to determine violations or to aid in the enforcement of this Code, labor laws, wage orders, or rules and regulations issued pursuant thereto.

- b) In cases where employer-employee relationship still exists, the Minister or his or her duly authorized representatives shall have the power to issue compliance orders to give effect to the labor standards provisions of this Code and other labor legislation, based on the findings of authorized labor enforcement officers or industrial safety engineers made in the course of inspection. The Minister or his or her duly authorized representatives shall likewise issue writs of execution to the appropriate authority for the enforcement of such orders, except in cases where the employer contests the findings of the labor enforcement officer and raises issues supported by documentary proofs which were not considered in the course of inspection.
- c) An order issued by a duly authorized representative of the Minister under this Section may be appealed to the Minister. In case said order involves a monetary award, an appeal by the employer may be perfected only upon the posting of a cash or surety bond issued by a reputable bonding company duly accredited by the MOLE, in the amount equivalent to the monetary award in the order appealed from.
- d) The MOLE may likewise order stoppage of work or suspension of operations of any unit or department of an establishment when non-compliance with labor laws or implementing rules and regulations poses grave and imminent danger to the health and safety of workers in the workplace. Within twenty-four (24) hours from such order, a hearing shall be conducted to determine whether an order for the stoppage of work or suspension of operations shall be lifted or maintained. In cases where the violation is attributable to the fault of the employer, he or she shall pay the employees concerned their salaries or wages during the period of such stoppage of work or suspension of operations.
- e) It shall be unlawful for any person or entity to obstruct, impede, delay or otherwise render ineffective the orders of the Minister or his or her duly authorized representatives issued pursuant to the authority granted under this Section. No inferior court or entity shall issue temporary or permanent injunction, restraining order, or otherwise assume jurisdiction over any case involving the enforcement of such orders.
- f) Any government employee found guilty of violation of, or abuse of authority under this Section, shall, after appropriate administrative investigation, be subject to summary dismissal from the service.

CHAPTER III

BANGSAMORO LABOR CONCILIATION AND ARBITRATION BOARD

SEC. 241. *Bangsamoro Labor Conciliation and Arbitration Board (BLCAB).* – The BLCAB is hereby established as the conciliation and arbitration authority on all labor and employment complaints or disputes not otherwise excluded by law. It shall take over and perform all the conciliation and mediation

functions of the Bureau of Labor Relations Services (BLRS); *Provided*, That the Bureau shall continue to use SEnA on issues or matters falling within the jurisdiction of the MOLE. The BLCAB shall be attached to the MOLE for program and policy coordination.

SEC. 242. *Composition and Qualifications.* – The Board shall be composed of a Chairperson and two (2) Members, and shall be assisted by a Director.

The Chairperson shall come from the public sector, while the two (2) Members shall be chosen from among the nominees of the most representative workers' and employers' organizations in the region, respectively.

The Chairperson and Members of the Board must be members of the Philippine Bar in good standing, have been engaged in the practice of law in the field of labor and employment for at least three (3) years, possess proven integrity and competence, and have recognized expertise in labor and employment.

There shall be a Conciliator-Mediator assigned to each of the following sub-regions: one (1) in South Central Mindanao, one (1) in North Central Mindanao, and one (1) in Southwestern Mindanao.

While each Conciliator-Mediator shall primarily handle cases within their assigned sub-region, any one or more of them may be directed to assist in another sub-region in cases of heavy caseloads or service exigencies, subject to the approval of the Board.

Conciliator-Mediators shall have at least three (3) years of work experience in the field of labor relations or labor and employment, and shall have at least one hundred twenty (120) hours of relevant training on alternative dispute resolution or conciliation-mediation.

The Chairperson, the two (2) Members of the Board recommended by their respective sectors, the Director, and the Conciliator-Mediators shall be appointed by the Chief Minister, upon recommendation of the Minister.

Upon assumption into office, the Members nominated by the workers' and employers' organizations shall divest themselves of any affiliation with, or interest in, the organization or association to which they belong. They shall be subject to recall by the sector they represent, and in case of vacancy, the appointment to any such vacancy shall come from the sector which nominated the predecessor.

The Chairperson, assisted by the Director, shall appoint sheriffs and such other personnel as may be necessary, subject to civil service laws, rules, and regulations. The Chairperson shall also ensure the efficient and effective management and operation of the BLCAB to promote speedy, transparent, fair and graft-free administration of labor justice in the BARMM.

Furthermore, all BLCAB officers and personnel shall be career service employees subject to the civil service laws, rules, and regulations. They shall hold office during good behavior until they reach the compulsory retirement age, unless sooner removed for cause as provided by law or become incapacitated to discharge the duties of their office.

SEC. 243. *Salaries, Benefits and Other Emoluments.* – The Chairperson, the two (2) Members of the Board, the Director, and the Conciliator-Mediators shall receive compensation equivalent to Salary Grades (SG) 28, 27, 26, and 25, respectively, together with the privileges, emoluments, and benefits appurtenant thereto.

SEC. 244. *Offices.* – The BLCAB shall hold its principal office within the Seat of Government of the BARMM and shall establish sub-regional offices for South Central Mindanao, Central Mindanao, and South Western Mindanao located in their respective areas to ensure easy public access.

SEC. 245. *Powers and Functions of the Board.* –

a) The Board, *en banc*, shall have the power to:

1. Promulgate rules and regulations governing the arbitration of disputes before it, subject to BTIPC consultation, as well as those pertaining to its internal functions, and such other rules and regulations as may be necessary to carry out the purposes of this Code;
2. Promulgate policies, programs, standards, procedures, manuals of operation, and guidelines for the effective conciliation and mediation of labor disputes, subject to BTIPC consultation, and provide counseling and preventive mediation assistance, particularly in the administration of collective agreements;
3. Coordinate with the BVATC to formulate programs and procedures for voluntary arbitration, maintain an accreditation system, publish a list of voluntary arbitrators in good standing, and compile voluntary arbitration awards and decisions;
4. Enjoin or restrain, in appropriate cases where a petition is duly filed and heard in accordance with Section 251 hereof, the actual or threatened commission of any prohibited or unlawful acts, or require the performance of a particular act in any industrial or labor dispute;
5. Exercise supervision over the Conciliator-Mediators and conduct of conciliation and mediation of labor disputes; and
6. Exercise supervision over the voluntary arbitrators and the operations of the BVATC.

b) The Board, *en banc* or individually, shall have the power to:

1. Administer oaths, summon the parties to a controversy, issue subpoenas requiring the attendance and testimony of witnesses or the production of books, papers, contracts, records, statements of accounts, agreements, and other documents material to the matter under investigation, and take testimony in any investigation or hearing conducted pursuant to this Code;

2. Hear and determine the disputes in the absence of any party who has been duly summoned or served with a notice to appear, conduct investigations for the determination of any question, matter, or controversy within its jurisdiction, hold its proceedings or any part thereof, in public or in private, adjourn its hearings to any time and place, refer technical matters or accounts to an expert and accept such expert's report as evidence after hearing the parties upon due notice, direct that parties be joined in or excluded from the proceedings, correct, amend, or waive any error, defect, or irregularity, whether in substance or form, and issue all such directions as it may deem necessary or expedient for the determination of the dispute before it;
3. Hold any person in contempt, whether directly or indirectly, and to impose appropriate penalties therefor in accordance with law and the Rules of Court;
4. Conduct, at any time during working hours, an ocular inspection of any establishment, building, ship or vessel, place or premises, including any work, material, implement, machinery, appliance, or object therein, and to require any employee, laborer, or other person, as the case may be, to provide information or data concerning any matter or question pending before it; and
5. Perform such other functions as may be provided by law or as may be requested by the Minister, including the prompt disposition of certified labor disputes under Section 211.

SEC. 246. *Single Entry Approach (SEnA).* – All labor and employment issues shall undergo a thirty (30)-day mandatory conciliation-mediation process under SEnA. The Board shall issue the corresponding rules of procedure, in consultation with the BTIPC.

Any party to the dispute may, at any time, pre-terminate SEnA proceedings and request the referral or endorsement of the case to the Board. Both parties may also agree to refer their unresolved issues or disputes to Voluntary Arbitration.

SEC. 247. *Referral to Arbitration.* – In the event of pre-termination or failure to settle the issues under SEnA, a report to that effect shall be prepared, outlining the issues, and the case shall be deemed referred to the Board or to a Voluntary Arbitrator. The Board may take cognizance of the referral either individually or *en banc*, as the nature of the case may require. The parties may, at any stage of the proceedings, agree in writing to submit their dispute to a Voluntary Arbitrator.

SEC. 248. *Conciliation-Mediation.* –

- a) The Board's Conciliator-Mediators shall have jurisdiction to conduct conciliation-mediation proceedings for the settlement of disputes, either on their own initiative or upon the request of either or both parties, involving the following:

1. All unresolved grievances arising from the interpretation or implementation of a CBA;

2. Unresolved grievances arising from the interpretation or enforcement of company personnel policies;
3. Violations of a CBA which are not gross in character;
4. Other labor disputes involving claims of unfair labor practices or bargaining deadlocks;
5. Regional labor disputes involving notices of strikes or lockouts;
6. Requests for technical assistance and preventive mediation;
7. Issues of wage distortion arising from the application of any wage order in organized establishments; and
8. Unresolved grievances arising from the interpretation or implementation of productivity incentive programs.

- b) In addition, the Board's Conciliator-Mediators shall take cognizance of all requests for assistance on labor and employment issues not excepted by law, for purposes of providing settlement options within the thirty (30)-day mandatory period prior to referral or endorsement to arbitration.

SEC. 249. *Privacy.* – Conciliation-mediation sessions, whether conducted under SEnA or as part of regular Conciliation-Mediation proceedings, shall be private. The parties and their duly authorized representatives may attend such sessions, while other persons may do so only with the consent of the parties and the approval of the Conciliator-Mediator.

SEC. 250. *Privileged Communication.* – All conciliation-mediation proceedings shall be confidential. No audio or video recording shall be made without the consent of both parties. Any information obtained, or statements made therein, shall be treated as privileged communication and shall not be used as evidence before the Board or any other agency, tribunal or body. Conciliator-Mediators shall not testify in any court, tribunal, or body regarding any matter taken up during conciliation-mediation proceedings conducted by them.

Any violation of the confidentiality of the proceedings by the Conciliator-Mediator shall subject him or her to appropriate administrative disciplinary action. In case of a violation by either party, the offended party shall be entitled to avail the appropriate remedies provided under applicable laws.

SEC. 251. *Arbitration.* – The Board, in the exercise of its quasi-judicial functions, shall have jurisdiction over the following cases:

- a) Except as otherwise provided, the Board, individually, shall have original and exclusive jurisdiction to hear and decide, within thirty (30) calendar days from the submission of the case

by the parties for decision, without extension and even in the absence of stenographic notes, the following cases involving workers in the BARMM, whether agricultural or non-agricultural:

1. Unfair labor practice cases;
2. Illegal dismissal cases or termination disputes;
3. All cases involving wages, rates of pay, hours of work, and other terms and conditions of employment, whether or not accompanied by a claim for reinstatement;
4. Claims for actual, moral, exemplary, and other forms of damages, as well as interest, attorney's fees, and costs of litigation arising from employer-employee relations;
5. Questions involving the legality of strikes and lockouts;
6. Enforcement of compromise agreements where there is non-compliance by any of the parties thereto;
7. Enforcement of writs of execution issued by Voluntary Arbitrators;
8. Money claims of OBWs, whether land-based or sea-based, regardless of amount and arising out of an employer-employee relationship or by virtue of any law or contract, including claims for death and disability benefits and other forms of damages;
9. Cases involving employees in Government-Owned and/or Controlled Corporations within the BARMM without original charter;
10. Cases involving domestic workers or *Kasambahay*, regardless of the amount involved;
11. Cases involving employees of cooperatives in the BARMM; *Provided*, That the issue does not involve membership;
12. Claims involving injunctions and temporary restraining orders arising from the disputes enumerated herein;
13. Counterclaims of employees against employers; and
14. Other claims arising from the employer-employee relationship, except:
 - i. Claims within the exclusive jurisdiction of the Employee's Compensation Commission (ECC) or the SSS, which shall remain within the jurisdiction of said offices; and

- ii. Issues arising from the enforcement of labor standards as defined in this Book; issues involving permits, licenses, or registrations issued by the MOLE or its attached agencies; registration of labor organizations and collective bargaining agreements; and the conduct of certification elections, whether consent or directed, to determine the representatives of the union for purposes of collective bargaining – all of which shall remain within the original and exclusive jurisdiction of the BLRS, with the Minister having appellate jurisdiction;
- b) The decision of the Board, rendered individually in the exercise of its quasi-judicial power, may be appealed to the Board *en banc*; and
- c) Decisions, awards, or orders of the Board *en banc* shall become final and executory within fifteen (15) days after receipt by the parties, unless restrained by the Court of Appeals or the Supreme Court.

SEC. 252. Summary Proceedings in the Recovery of Wages, Money Claims, and Other Benefits Without Claims for Reinstatement. – Any matter involving the recovery of wages, monetary claims, and other benefits arising from employer-employee relationship, which does not include a claim for reinstatement, and which is referred for arbitration after SEnA proceedings, shall be decided or resolved by the Board, individually, within thirty (30) calendar days from the date of referral.

The Board, individually, shall supervise the payment of unpaid wages and other monetary claims and benefits, including legal interest, found to be due and owing to any employee or worker. Any amount not paid to the complainant because they cannot be located after diligent and reasonable efforts to find them within three (3) years shall be remitted to the Bangsamoro Treasury.

Any decision or resolution pursuant to this provision may be appealed within five (5) calendar days from receipt of a copy thereof to the Board *en banc*. The Board *en banc* shall resolve the appeal within ten (10) calendar days from the submission of the last pleading required or allowed under its rules.

SEC. 253. Injunction and Temporary Restraining Order. –

- a) The Board, *en banc*, may enjoin or restrain the actual or threatened commission of any prohibited or unlawful act, or require the performance of a particular act, in any labor dispute which, if not restrained or performed immediately, may cause grave or irreparable damage to any party, or render ineffectual any decision in favor of such party; *Provided*, That no temporary or permanent injunction in any case involving or arising out of a labor dispute, as defined in this Code, shall be issued except after hearing the testimony of witnesses, with opportunity for cross-examination, in support of the allegations of a complaint made under oath, and testimony in opposition thereto, if offered, and only after a finding of fact to the effect that:
 - 1. Prohibited or unlawful acts have been threatened and will be committed and continued unless restrained; *Provided*, That no injunction or temporary restraining order shall be issued on account of any threat, prohibited, or unlawful act, except against the person or

persons, association, or organization making the threat or committing, authorizing, or ratifying the same after actual knowledge thereof;

2. Substantial and irreparable injury to the complainant's property will follow;
3. As to each item of relief to be granted, a greater injury will be inflicted upon the complainant by the denial of relief than will be inflicted upon the defendants by the granting of relief;
4. The complainant has no adequate remedy at law; and
5. The public officers charged with the duty to protect the complainant's property are unable or unwilling to furnish adequate protection.

Such hearing shall be held after due and personal notice has been served, in such manner as the Board may direct, to all known persons against whom relief is sought, and also to the Local Chief Executive and other public officials of the province or city within which the unlawful acts have been threatened or committed, who are charged with the duty to protect complainant's property; *Provided, however,* That if a complainant shall also allege that, unless a temporary restraining order is issued without notice, substantial and irreparable injury to complainant's property will be unavoidable, such temporary restraining order may be issued upon testimony under oath sufficient, if sustained, to justify the Board in issuing a temporary injunction upon hearing after notice.

Such temporary restraining order shall be effective for no longer than twenty (20) days and shall become void upon the expiration of said twenty (20) days. No such temporary restraining order or temporary injunction shall be issued except on condition that the complainant shall first file an undertaking with adequate security, in an amount to be fixed by the Board, sufficient to recompense those enjoined for any loss, expense, or damage caused by the improvident or erroneous issuance of such order or injunction, including all reasonable costs, together with a reasonable attorney's fee, and expenses of defense against the order, or the granting of any injunctive relief sought in the same proceeding and subsequently denied by the Board.

The undertaking herein mentioned shall be understood to constitute an agreement entered into by the complainant and the surety, upon which an order may be rendered in the same proceeding against said complainant and surety, after a hearing to assess damages, of which they shall have reasonable notice; and the complainant and surety shall be deemed to have submitted themselves to the jurisdiction of the Board for that purpose. Nothing herein shall deprive any party having a claim or cause of action under such undertaking from electing to pursue the ordinary remedy by suit at law or in equity; *Provided, further,* That the Board may delegate the reception of evidence for the application of a writ of injunction to an individual Board member, who shall conduct such hearings in places be accessible to the parties and their witnesses, and thereafter submit the recommendations to the Board.

- b) No dispute, claim, complaint, or petition, including those for restraining orders or injunctive relief, arising out of, related to, or involving labor disputes shall be heard or decided by any other court or tribunal, except by the Court of Appeals or the Supreme Court.

SEC. 254. *Technical Rules not Binding and prior resort to Amicable Settlement.* – In any proceeding before the BLCAB, the technical rules of evidence prevailing in courts of law or equity shall not be controlling. The Board shall ascertain the facts promptly and objectively, without regard to technicalities, in the interest of due process. Parties may be represented by counsel, but the Chairperson, Members, or Conciliator-Mediators shall exercise full control over the proceedings at all stages.

SEC. 255. *Appearances and Fees.* –

- a) Non-lawyers may appear before the Board, *en banc* or individually:
 - 1. If they represent themselves; or
 - 2. If they represent their organization or its members; *Provided*, That they are duly registered with the MOLE and have verified accreditation from the organization they represent.
- b) No attorney's fees, negotiation fees, or similar charges of any kind arising from any collective bargaining agreement shall be imposed on any individual member of the contracting union; *Provided, however*, That attorney's fees may be charged against union funds in an amount agreed upon by the parties. Any contract, agreement, or arrangement to the contrary shall be null and void.

CHAPTER IV BANGSAMORO VOLUNTARY ARBITRATION

SEC. 256. *Bangsamoro Voluntary Arbitration.* – Voluntary arbitration, whereby the parties select a competent, trained, and impartial third person to decide the merits of the case fairly, expeditiously, and free from litigiousness and legal technicalities, is hereby declared the primary mode of labor dispute settlement in the BARMM. Being a voluntary mode of dispute resolution, the decision of the Voluntary Arbitrator shall be binding upon the parties and shall be final and executory.

SEC. 257. *Bangsamoro Voluntary Arbitration Tripartite Council (BVATC).* – A Bangsamoro Voluntary Arbitration Tripartite Council (BVATC) shall be established by the Board to administer the Bangsamoro Voluntary Arbitration Program. It shall be under the direct supervision of the Board. The Council shall have as many members as may be necessary, to be chosen from among the sectoral nominees of the most representative workers' and employers' organizations in the region, who shall elect from among themselves the Chairperson of the Council.

The Chairperson and Members of BVATC shall not be considered government employees and shall not receive compensation or emoluments from the government, except for voluntary arbitration fees when acting as Voluntary Arbitrator/s, to be paid by the parties to the dispute or sourced from the Special Voluntary Arbitration Fund to be established by the Board.

SEC. 258. *BVATC Powers and Functions.* – The BVATC shall advise the Board and the MOLE in promoting voluntary arbitration as the preferred mode of labor dispute settlement. The Council shall:

- a) Maintain an accreditation system of voluntary arbitrators with respective expertise across various fields;
- b) Publish the list of accredited voluntary arbitrators together with their credentials;
- c) Compile and evaluate arbitration awards and decisions to monitor performance and ensure the credibility of the Bangsamoro Voluntary Arbitration Program;
- d) Develop a pool of subject-matter experts;
- e) Conduct or facilitate continuous training and capacity-building for voluntary arbitrators;
- f) Conduct grading or rating of voluntary arbitrators based on expertise and efficiency in the disposition of cases; and
- g) Perform such other functions as may be necessary to ensure and enhance the integrity, competence, and viability of voluntary arbitration as the primary mode of labor dispute settlement, including the de-accreditation, de-listing, or discipline of voluntary arbitrators for cause and after due process.

SEC. 259. *Jurisdiction of Voluntary Arbitrators.* – Upon written agreement of the parties, the Voluntary Arbitrator shall have original and exclusive jurisdiction to hear and decide all unresolved grievances arising from the interpretation or implementation of collective bargaining agreements, the interpretation or enforcement of company personnel policies, wage distortion issues resulting from the application of any wage orders in organized establishments, and unresolved grievances arising from the interpretation and implementation of the productivity incentive programs.

The BLCAB and the MOLE shall refer to voluntary arbitration all disputes, grievances, or matters falling under the original and exclusive jurisdiction of the Voluntary Arbitrator.

SEC. 260. *Jurisdiction over Other Labor Disputes.* – Upon the written agreement of the parties, the Voluntary Arbitrator shall hear and decide all other labor disputes, including unfair labor practices and bargaining deadlocks.

The parties may opt to submit their dispute to voluntary arbitration at any time before or during compulsory arbitration or conciliation-mediation proceedings.

SEC. 261. *Referral of Grievance to Voluntary Arbitration.* – All grievances that are not settled within seven (7) calendar days from their submission to the Grievance Machinery shall automatically be referred to a voluntary arbitrator, either designated in the CBA or chosen by the parties, with or without the assistance of the Board, pursuant to the selection procedure agreed upon in the CBA, In case the parties fail to agree on the selection of a voluntary arbitrator, the Board shall designate one from the list of accredited voluntary arbitrators through the prescribed selection procedure.

The Board-designated voluntary arbitrator shall act with the same authority, force, and effect as one selected by the parties.

SEC. 262. *Voluntary Arbitration Procedures.* – The Voluntary Arbitrator shall have the authority to hold hearings, receive evidence, and take such actions as may be necessary to resolve the issue or issues subject of the dispute, including undertaking efforts to effect a voluntary settlement between the parties.

All parties to the dispute shall attend the arbitration proceedings. The attendance of any third party, or the exclusion of any witness from the proceedings, shall be determined by the Voluntary Arbitrator. Hearings may be adjourned for just cause or upon agreement of the parties. Unless the parties agree otherwise, it shall be mandatory for the Voluntary Arbitrator to render an award or decision within twenty (20) calendar days from the date of submission of the dispute to voluntary arbitration.

The award or decision of the Voluntary Arbitrator shall state the facts and the law on which it is based. An aggrieved party may file a motion for reconsideration within ten (10) calendar days from receipt of the award or decision. If no motion is filed within this period, or upon receipt of the resolution denying the motion, the award or decision shall become final and executory, unless restrained by the Court of Appeals or the Supreme Court.

Any interested party entitled to a judgment award that has become final and executory may file a motion for the issuance of a writ of execution, requiring either the sheriff of the BLCAB or the MOLE—whichever is designated by the parties in the submission agreement—to execute the final decision, order, or award.

SEC. 263. *Cost of Voluntary Arbitration and Voluntary Arbitrator's Fee.* – The parties shall provide in their CBA or in a separate agreement a proportionate sharing scheme for the cost of voluntary arbitration, including the Voluntary Arbitrator's fee. The fixing of the Voluntary Arbitrator's fee, whether shouldered wholly by the parties or subsidized by the Special Voluntary Arbitration Fund of the Board, shall take into account the following factors:

- a) The nature of the case;
- b) The time consumed in hearing the case;
- c) The professional standing of the Voluntary Arbitrator; and

- d) The capacity of the parties to pay.

SEC. 264. *Special Voluntary Arbitration Fund.* – There is hereby established a Special Voluntary Arbitration Fund, to be administered by the Board. The initial capitalization of the fund shall be sourced from the registration fees collected by the MOLE arising from the registration of collective bargaining agreements, and from appropriations under the General Appropriation Act of the Bangsamoro (GAAB).

CHAPTER V

REMEDIES, EXECUTION OF DECISIONS, ORDERS OR AWARDS AND CONTEMPT

SEC. 265. *Remedies.* – Decisions, awards, or orders issued by the Minister, or by the Board whether sitting *en banc* or individually in the exercise of their quasi-judicial authority, shall be final and immediately executory, unless restrained by the Court of Appeals or the Supreme Court. Such decisions, awards or orders may be assailed through Rule 65.

In case of an award rendered by a Voluntary Arbitrator, review may be sought through a Petition for Review under Rule 43 of the Revised Rules of Court.

In judgments involving a monetary award, an employer's appeal shall be deemed perfected only upon the posting of a cash or surety bond issued by a reputable bonding company duly accredited by the Board and/or the MOLE, in an amount equivalent to the monetary award subject of the appeal.

Notwithstanding any appeal, a decision of the Board, whether *en banc* or individually, ordering the reinstatement of a dismissed or separated employee shall, with respect to the reinstatement aspect, be immediately executory. The employee shall either be returned to work under the same terms and conditions prevailing prior to dismissal or separation, or, at the employer's option, reinstated in the payroll. The posting of a bond by the employer shall not stay the execution of the reinstatement order.

In all cases, the appellant shall furnish a copy of the memorandum of appeal to the opposing party and to the Board, the Minister, or the Voluntary Arbitrator/s, as may be appropriate.

SEC. 266. *Execution of Decisions, Orders or Awards.* –

- a) The Minister, the Board, or Voluntary Arbitrator may, *motu proprio* or upon motion of any interested party, issue a writ of execution within five (5) years from the date a judgement becomes final and executory, directing a sheriff or any duly deputized officer to execute or enforce such final decisions, orders, or awards. It shall be the duty of the responsible officer to immediately and separately furnish the counsels of record and the parties with copies thereof. Failure to discharge this duty shall subject the responsible officer to appropriate administrative sanctions.

- b) The Minister and/or the Chairperson of the Board may designate special sheriffs and adopt such measures as may be authorized under existing laws to ensure compliance with their decisions, orders, or awards.

SEC. 267. Contempt Powers of the Board. – The Minister, in the exercise of his or her powers under this Code, and the Board, individually or *en banc*, may hold any person in contempt in accordance with law.

Any person who commits misbehavior in the presence of, or so near, the Minister, the Chairperson, or any Member of the Board as to obstruct or interrupt the proceedings; who displays disrespect toward said officials; or who engage in offensive conduct toward others; or who refuses to be sworn, to answer as a witness, or to subscribe an affidavit or deposition when lawfully required to do so, may be summarily adjudged in direct contempt by said officials and fine an amount not exceeding Five Thousand Pesos (PHP5,000.00).

A judgment of the Board, individually or *en banc*, or the Minister on direct contempt shall be immediately executory and shall not be subject to appeal. Indirect contempt shall be governed by Rule 71 of the Revised Rules of Court.

BOOK VIII TRANSITORY AND FINAL PROVISIONS

CHAPTER I PENALTIES AND PROHIBITION ON INJUNCTION

SEC. 268. Penalties. – Should any establishment violate any provision of this Code or its Implementing Rules and Regulations, the applicable sanctions under Presidential Decree No. 442, otherwise known as the “*Labor Code of the Philippines*”, or under other pertinent laws, shall apply, as the case may be.

SEC. 269. Prohibition on Injunction. – No preliminary or permanent injunction, or temporary restraining order, shall be issued by any court, tribunal, or other entity to enjoin, restrain, or otherwise impede any proceeding before the MOLE or the BLCAB.

CHAPTER II TRANSITORY PROVISIONS

SEC. 270. Implementing Rules and Regulations (IRR). – Within one (1) year following the effectivity of this Code, the MOLE, in consultations with tripartite partners and concerned stakeholders, shall promulgate the implementing rules and regulations (IRR) necessary for its effective implementation.

Provided, That the implementing rules and regulations pertaining to Title VI, Book I of this Code shall be issued by the MOLE within sixty (60) from its effectivity.

SEC. 271. *Conflict or inconsistency.* – In case of conflict or inconsistency between this Code and the National Labor Code, the provisions of this Code shall prevail within the territorial jurisdiction of the BARMM. The National Labor Code shall apply suppletorily, except as otherwise provided in this Code or its implementing rules.

SEC. 272. *Compliance Report.* – In accordance with the Bangsamoro Government's policies on transparency and moral governance, the MOLE shall submit annual reports to the Parliament on the progress of the implementation of this Code.

SEC. 273. *Appropriations.* – The Bangsamoro Government shall allocate the necessary funds for the effective implementation of this Code. An initial fund of Thirty Million Pesos (PHP30,000,000.00) for its implementation shall be sourced from any available Bangsamoro funds, subject to existing rules and regulations. Subsequent funding requirements shall be included in the GAAB.

CHAPTER III FINAL PROVISIONS

SEC. 274. *Mandatory Review Every Five (5) years.* – The Bangsamoro Parliament shall conduct a mandatory review of this Code every five (5) years, or more frequently if deemed necessary.

SEC. 275. *Suppletory Clause.* – In cases where this Code contains no applicable provision concerning labor, employment, or occupation, the Labor Code of the Philippines and other relevant social legislation shall be applied suppletorily. In the absence of any applicable law, international labor standards shall be suppletory to this Code, *Provided*, That they are not contrary to existing laws.

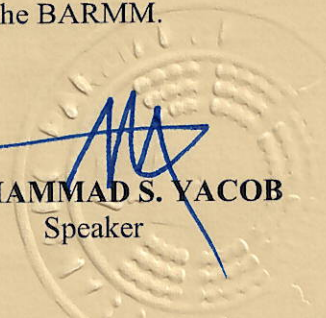
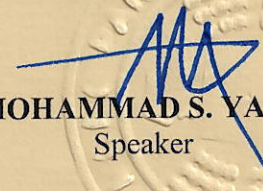
SEC. 276. *Separability Clause.* – The provisions of this Code are deemed separate. If any section or provision of this Code is declared unconstitutional or invalid for any reason, the remaining provisions, which are not affected thereby, shall continue to be in full force and effect.

SEC. 277. *Repealing Clause.* – Paragraph 2 of Section 1 and Subparagraphs (b) to (f) and (k) of Section 11 Title IX, Chapter 4 of Bangsamoro Autonomy Act No. 13, otherwise known as the "*Bangsamoro Administrative Code*", are hereby repealed. Section 12 and Section 13, insofar as they pertain to the Mediation and Conciliation or Conciliation-Mediation division of the same Title and Act, are hereby amended accordingly.

The provisions of Title IX, entitled Labor and Employment of Bangsamoro Autonomy Act No. 13, to the extent that they conflict with or are inconsistent with the provisions of this Code, are hereby repealed or amended.

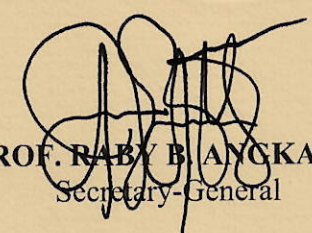
All regional laws, orders, acts, executive orders, proclamations, rules and regulations, and all other issuances, or parts thereof, that are inconsistent with this Code, are likewise repealed or modified accordingly.

SEC. 278. Effectivity. – This act shall take effect fifteen (15) days after its publication in the Bangsamoro Gazette or in a newspaper of regional circulation in the BARMM.



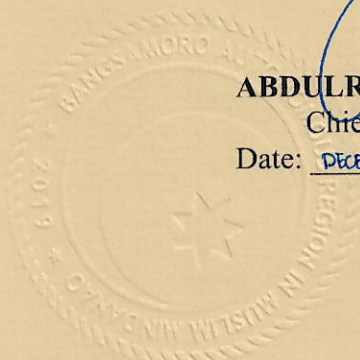
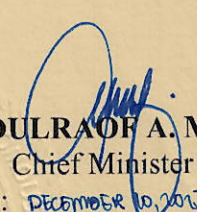
MOHAMMAD S. YACOB
Speaker

This Act was passed by the Bangsamoro Transition Authority Parliament on *Jumada Al-Awwal* 21, 1447/November 12, 2025.



PROF. RABY B. ANGKAL
Secretary-General

Approved:



ABDULRAOF A. MACACUA
Chief Minister

Date: DECEMBER 10, 2025

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