

Earned Social Conscience in Asia: International Industrial Relations Standards in National Legislation

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This Article examines laws on industrial relations and dispute settlement in 11 countries in the Asia-Pacific region and compares said laws to international labor standards, specifically, the International Labor Organization's (ILO) Conventions and Recommendations on industrial relations.

Convention Numbers 87 and 98 are highlighted in the Article as fundamental conventions for they involve the freedom to associate and rights to organize and collective bargaining. Other international industrial relations standards dealing with collective bargaining agreements and conciliation and arbitration mechanisms are also noted, together with the supervisory agencies for their implementation and the special procedures governing freedom of association. The Author then delves into an in-depth survey of the national legislation on industrial relation of the following countries: Korea, Lao People's Democratic Republic (Laos), Vietnam, Japan, Malaysia, Philippines, China, India, Indonesia, Singapore, and Thailand. In his comparative review, he focuses on the degree of presence of the following elements: trade unions, collective bargaining, system for handling strikes and lockouts, and dispute settlement.

Finally, the Author cites the low ratification rates of the above Conventions as a challenge to keeping up with international labor standards. He also states the need for mechanisms to promote access to speedy labor justice, insulate regulatory agencies and dispute settlement bodies from corruption, increase the efficacy of conciliation and mediation efforts, and harmonize core industrial relations values of the Conventions towards collective labor rights. In the end, he poses the question of industrial relations as a strategic choice or as a matter of ideology, concluding that,

either way, in the Philippines, labor jurisprudence has had a great role in policy-making in industrial relations legislation and that the need for protective labor legislation is imperative.