

# Freedom of Association and Right to Collective Bargaining: Overview of Strategy



International  
Labour  
Organization

## The Challenge



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Freedom of association refers to the right of both workers and employers to freely establish and join organizations of their own choosing, without fear of reprisal. Freedom of association is closely connected with right to collective bargaining, which allows workers to freely negotiate their terms of employment.

Freedom of Association and the right to collective bargaining are fundamental rights in the workplace and important elements of democracy contributing to sustainable economic and social development. Decent work, inclusive growth and governance—where strong workers and employers organizations exist—are important ingredients to development that benefits the greatest number of people.

The rights of freedom of association and collective bargaining (FoA/CB) are covered by two key

Conventions are: [ILO Convention No. 87, Freedom of Association and Protection of the Right to Organize Convention, 1948](#), (ILO C. 87); and [ILO Convention No. 98, Right to Organise and Collective Bargaining Convention, 1949](#) (ILO C. 98). The Government of the Republic of the Philippines (GRP) ratified both Conventions on 29 December 1953. The country enacted the Labor Code and other policies after ratification.

While freedom of association is generally recognized as a fundamental human right and contributes to inclusive growth and development, challenges remain on its application. Information from ILO's supervisory bodies generally provide guidance for ILO support to Philippines's compliance with freedom of association principles.

The International Labour Organization (ILO) supervisory bodies has highlighted a number of concerns about remaining inconsistencies in law and in practice vis-à-vis the requirements of the key Conventions resulting to adverse effects on workers' rights. Trade unions, their members and officials, have faced a number of challenges, which include a basic denial of the right to form a union, harassment and intimidation up to and including allegations of extrajudicial killings of trade union officials. In addition to this, effective collective bargaining between employee organizations, employers and employers' organizations has declined throughout the Philippines. Both sides mindful of the other, are missing out on the benefits derived from a more collaborative understanding leading to harmonious and mutually beneficial work place relations.

The government of the Philippines committed to apply the provisions of these Conventions.

## The Response

The High-level Mission (HLM) visited the Philippines from 22-29 September 2009 and has completed its report for the ILO supervisory bodies. The HLM identified future areas for action and recommended a technical assistance programme.

The ILO supports the Philippines in efforts to enhance the application of international labour standards to foster decent and productive work. The ILO continues its support to the Philippines to address points raised by the ILO Supervisory bodies.

Combined resources of the ILO, including the proposed technical cooperation project, will cover both short- and long-term strategies including awareness raising, training, and capacity building strategies to support better implementation of Freedom of Association principles and civil liberties, social dialogue, industrial relations, collective bargaining, and voluntary dispute resolution mechanisms. Currently, a key strategy is the implementation of a technical cooperation project funded by the US government: "*Promoting the Effective Recognition and Implementation of the Fundamental Rights of Freedom of Association and Collective Bargaining in the Philippines*". Please refer to separate flyer for details on this project.

Strategies seek to widen its reach to more partners and institutions including, *inter alia*, the police and the military, stakeholders in economic zones, judges and lawyers, human rights bodies, and public service institutions—aside from the workers, employers, and Department of Labor and Employment (DOLE).



## Achievements

- There were 34 justices and 67 lawyers from the Supreme Court and Court of Appeals provided with knowledge to improve the use international labour law sources at the national level (November 2010).
- Fifty one arbiters, mediators, and conciliators from the DOLE were provided with knowledge to improve the use international labour law sources at the national level (November 2010).
- Thirty officials, including key officials in charge of ecozone security, from the Philippine Economic Zone Authority (PEZA) were given full training on techniques on conciliation, mediation, and arbitration (April 2010).
- Approximately 100 constituents from Mindanao, specifically from Regions XI, XII, and XIII were informed of the principles of freedom of association, collective bargaining and their links with civil liberties/human rights and were able to discuss strategies to advance investigation, prosecution, and conviction (December 2010).
- One hundred representatives of government bodies from Cavite, Laguna, and Batangas—particularly PEZA and DOLE—and constituents representing Laguna, were informed on FoA/CB principles in the context of economic zones and were able to discuss issues and solutions (April 2010).
- One hundred constituents and government officials and constituents representing Tarlac, Bataan, Subic Bay Metropolitan Authority (SBMA), and Clark, Pampanga were informed on FoA/CB principles and links between FoA/CB principles and civil liberties/human rights in the context of economic zones (April 2010).
- Ninety four constituents and government officials from Visayas specifically from Regions VI, VII, and VIII were informed of the principles of FoA/CB and their links with civil liberties/human rights and were able to discuss strategies to advance investigation, prosecution, and conviction (March 2011).
- Diagnostic tool on freedom of association and collective bargaining in the Filipino export processing sector (18-29 July 2011).
- Summit on the Protection and Promotion of Workers Rights (A Joint DOLE-AFP Project in Consultation with the ILO, which culminated to the Signing of a Manifesto of Commitment towards a Joint and Collective Effort by the DOLE, Labour Sector, and Armed Forces (AFP) of the Philippines to Promote and Protect Workers Rights (21 July 2011).
- DOLE-Labour Sector-AFP-PNP Summit on the Protection and Promotion of Workers' Right to Self-Organization and Collective Bargaining, 2011 covering Visayas, Mindanao, and Luzon, respectively (10, 12 and 14 October 2011).
- Training on Improved Use of International Labour Standards for Labour Commissioners and Arbiters in Dispute Settlement (21-25 November 2011).
- Dissemination of the guidelines for police, labour and economic zone authorities to effectively implement basic workers rights on economic zones (February 2012).
- Launch of the Guidelines police, military and relevant government bodies to prevent violence, harassment, and intimidation against workers during strikes, lock out outs and other workers activities (7 May 2012).
- Module formulation for the police, military, and security guards (December 2011-present).



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## Relevant ILO Conventions and Recommendations

- Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87)
- Right to Organize and Collective Bargaining Convention, 1949 (No. 98)

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