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Philippines (ratification: 1953)

Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)
Convention (nº 87) sur la liberté syndicale et la protection du droit syndical, 1948
Convenio sobre la libertad sindical y la protección del derecho de sindicación, 1948 (núm. 87)

Written information provided by the Government

The Government has provided the following written information, as well as copies of the Anti-Terrorist Council Official Statement dated 29 April 2024, the Anti-Terrorist Council Memorandum dated 30 April 2024, the Administrative Order No. 22 dated 8 May 2024 and Supreme Court Decisions Nos 254753 and 269249.

Progress in the implementation of the Tripartite Road map on Freedom of Association

1. Actions of Executive Order No. 23 Inter-Agency Committee (EO 23-IAC)

Omnibus Guidelines on the Exercise of Freedom of Association and Civil Liberties approved by the EO 23-IAC on 26 April 2024. The Guidelines consolidate, update and strengthen two previous guidelines concerning freedom of association (FoA) issued in 2011 and 2012. The Guidelines were endorsed on 21 March 2024 by the National Tripartite Industrial Peace Council (NTIPC) after a thorough consultative process involving the Department of Labor and Employment (DOLE), other relevant agencies, and the labour and employer representatives. The Guidelines: (i) govern the conduct of government agencies, employers, and workers in the private sector in the workers' exercise of the right to organize, collectively bargain, and engage in peaceful concerted actions and other lawful trade union activities, including public assemblies; and (ii) delineate and update stakeholders' responsibilities for better coordination in labour and employment education, maintaining peace and order, case prosecution, and protecting national sovereignty and integrity, consistent with their jurisdiction and mandates.

On speeding up investigation and prosecution, the EO 23-IAC closely monitored the killing of Alex Dolorosa, although the same clearly appears not to be union-related. The alleged perpetrator, an individual, was accused of homicide in October 2023 at the Bacolod City RTC. The accused was arraigned on February 2024. The court has also set trial dates.

Following EO 23-IAC directives, related or member-agencies of the IAC took the following actions:

- The Anti-Terrorist Council (ATC) Official Statement dated 29 April 2024 was published, in relation to indiscriminate labelling, including red tagging. This affirms its sole and exclusive authority to designate individuals or groups as terrorists under the Anti-Terrorism Act of

2020 (ATA). Cognizant of concerns of trade unions and their members about being labelled as or linked to terrorists without basis and due process, the ATC reminds the public that no other government body, agency, officer or employee has the authority to label individuals or groups in a manner that can be construed as the designation of terrorists under the ATA. Designation must always be exercised with utmost diligence, in accordance with existing laws, rules and regulations to ensure that fundamental rights and due process are respected and protected.

- The ATC Memorandum dated 30 April 2024 was issued against indiscriminate labelling instructing all ATC members and support agencies to abide by the procedures and guidelines for designation of terrorists, and to monitor and report to the ATC incidents of non-compliance, unauthorized designations, or other related issues.

2. Strengthening tripartite monitoring bodies and promoting FoA

The DOLE RO XI multisectoral dialogue was held between 23 Center of United and Progressive Workers (SENTRO)-affiliated federations and Southern Mindanao Federation of Labor and law enforcement agencies on 4 March 2024, where they agreed to develop a social accord for the protection of trade union rights. Colonel Osmalik Tayaban of the 10th Infantry Division of the Philippine Army provided his personal contact number and urged the participants to directly report to him any irregularities involving military personnel in the region.

The DOLE strategic workshop was held on 8 March 2024, where DOLE regional offices: (i) formulated their respective calendar of activities to implement the strategies concerning tripartism and freedom of association; and (ii) developed a training design for the implementation of labour education for different sectors, including law enforcement agencies.

The DOLE RO VIII resolution reconstituting the Regional Tripartite Monitoring Body (RTMB) and reorientation for RTMB members was adopted on 20 March 2024, focusing on the Body's role in validating and monitoring alleged violations of freedom of association.

The first paralegal training was organized and conducted by the DOLE and the University of the Philippines (UP) Law Workers and Employees Program, pursuant to the DOLE-UP MOA, on 20 April 2024. Thirty-nine trade unionists, including representatives from SENTRO, completed the six-day training on employers' and workers' rights and obligations, available criminal, civil, and administrative remedies in case of violations, practical skills, including affidavit writing and case build-up.

Developments in promoting a whole-of-government approach to address FoA-related issues

Administrative Order No. 22 dated 8 May 2024 was issued by President Marcos, establishing a Special Committee on Human Rights Coordination to enhance existing mechanisms for the promotion and protection of human rights, particularly to sustain initiatives on investigation and accountability, data-gathering on alleged human rights violations by law enforcement agencies, and expanded civil space and engagement.

Supreme Court Decisions:

- *Deduro v. Vinoya*, G.R. No. 254753, 4 July 2023, declaring that red-tagging, vilification, labelling, and guilt by association constitute threats to a person's right to life, liberty or security, and justify issuance of a writ of *amparo* [protection of constitutional rights].

- *Castro and Tamano v. Dela Cruz*, G.R. No. 269249, 24 October 2023, granting the writs of protection, habeas data and *amparo* in favour of Castro and Tamano, who were abducted by State agents allegedly for their environmental advocacies.

Concluding note

All allegations of killing and harassment of trade union members subsumed under Case No. 3185 occurred between 2013 and 2021 but were reported to the ILO only in 2016, 2019 and 2021. Regular monitoring by the RTMBs and now by the EO 23-IAC shows that concrete actions have been taken by the authorities concerned in cases where witnesses are available. Some cases have turned out to be clearly not union-related and in others, even family members themselves have desisted from pursuing the cases.

The Government points out that allegations are “extremely serious” in nature only if proven true based on verified information. The Government does not question the Committee’s authority to determine what should or should not fall under the scope of its mandate. Nevertheless, it urges the Committee to ensure verification of all allegations, and to provide clear and reasonable parameters in the exercise of its mandate. The Government has shown an unprecedented level of cooperation with the ILO’s supervisory bodies in the last two years. Its good faith should not be undermined by its continuing inclusion in the list of countries to be placed under examination.

Discussion by the Committee

Chairperson – I invite the Government representative of the Philippines, the Undersecretary of the Department of Labour and Employment, to take the floor.

Government representative – The Government is grateful to the Committee for this opportunity to make its opening statement, which shall focus on the observation of the Committee of Experts issued as a follow-up to the conclusions that the Committee made during the Conference last year.

From the start of the administration of President Ferdinand R. Marcos Jr. on 30 June 2022, the Government has shown the deepest respect to the processes of this Committee, the Committee of Experts and the Committee on Freedom of Association (CFA), as well as to the directives of the Conference concerning the country’s application of the Convention. The Government has demonstrated an unprecedented level of cooperation with the ILO supervisory bodies by providing timely and validated information on this matter. Since August 2022, the Government has submitted no less than ten reports. In this regard, while the Government appreciates that the supervisory bodies have taken note of several aspects of these submissions, it also emphasizes that the last four reports submitted already include information that addresses the current follow-up observation of the Committee of Experts. For the record, these submissions are: the 20 May 2024 reply to the Committee on new developments not yet examined by the Committee of Experts; the 16 April 2024 reply to the CFA on the 405th CFA Report; the 8 January 2024 reply to the CFA request for supplementary information; and the 12 December 2023 reply to the observations submitted to the Committee of Experts by the International Trade Union Confederation (ITUC), the International Transport Workers’ Federation (ITF), and the Center of United and Progressive Workers (SENTRO) on the Philippines’ compliance with the Convention.

The rules of this proceeding, as well as time constraints, do not allow the Government to repeat the contents of these reports in this morning’s discussions. However, the Government therefore requests that these reports be incorporated by reference to the discussions today

so that this Committee may have a fuller appreciation of the facts and the actual situation in the application of the Convention in our country.

I will now focus on the three main matters contained in the observation. The first major item is on developments pertinent to the tripartite road map to ensure full compliance with the Convention. The Government informs this Committee of the following:

- The road map, with appropriate timelines and the responsible parties involved, was formulated with the technical support of the ILO and was approved by the NTIPC. The majority of the NTIPC members signed the resolution adopting the road map. A copy of this road map was submitted to this Committee on 1 September 2023.
- Number two, the Omnibus Guidelines on Freedom of Association and Civil Liberties were approved by the Inter-Agency Committee created through Executive Order No. 23 (EO23 IAC) on 26 April 2024.

The Guidelines consolidate, update and strengthen two previous guidelines concerning freedom of association issued in 2011 and 2012. The Guidelines were the result of a thorough consultative process and have expanded the previous scope of the two guidelines in the following areas: they govern the conduct of government agencies, employers, and workers in the private sector in the workers' exercise of the right to organize, collectively bargain, and engage in peaceful concerted actions and other lawful trade union activities, including public assemblies; and secondly, they delineate and update stakeholders' responsibilities for better coordination in labour and employment education, maintaining peace and order, prosecution, and protecting national sovereignty and integrity.

Revision of the Guidelines is one of the major outputs enrolled in the tripartite road map. The DOLE, as lead agency, is now finalizing the programme of activities including capacity-building trainings and information and education materials to ensure the widest dissemination of and full compliance with the Guidelines. The Government appreciates that the Committee has taken note of the Government's interest on possible technical assistance on this activity, and hopes that such assistance materializes soon.

- Number three, on the call for review of Executive Order No. 23, allegedly due to lack of sectoral consultation prior to its issuance and absence of sectoral representation in its structure, the Government clarifies that the EO23 IAC was established as a response to the recommendation of the HLTM for the creation of a presidentially-mandated body that will coordinate actions of various agencies on the investigation and prosecution of cases involving violations of trade union rights. The HLTM itself did not recommend that the presidentially mandated body must have a tripartite composition. And this is for a good reason, as the agencies comprising the EO23 IAC include agencies performing investigative and prosecutorial functions, which are sovereign governmental functions that cannot be shared with private organizations. In its first year of operation, the EO23 IAC has met six times, with specific outputs. The Government will be pleased to share with this Committee, for its reference, the EO23 IAC Chairperson's First Year Report to the President of the Philippines.

On the HLTM recommendation to establish a specialized, independent non-judicial body of eminent persons, the Government reiterates its position that the Commission on Human Rights (CHR), a body created by the Philippine Constitution, serves as such an independent body. As previously reported, the NTIPC has recognized that the CHR indeed has the mandate to perform the functions expected of this independent body.

The Government takes the view that where mechanisms already exist to address specific issues, the direction should be to strengthen these mechanisms. The HLTM, during its visit to the Philippines, heard from various agencies and stakeholders where the priority areas for strengthening should be, namely: investigative and forensic capacity, case build-up and case management; data and information sharing; and continuous capacity-building and sensitivity-raising on labour and human rights. The Government continuously strives to improve on these areas, but will welcome technical cooperation programmes to further support its efforts.

The Committee may also recall that during last year's sessions, the Government expressed openness to learning from other countries which have established a specialized body similar to the independent body recommended by the HLTM. The Government remains open to such opportunity, as may be suggested by the Committee, in order to improve its existing mechanisms.

On the general issue of genuine sectoral consultation, dialogue and engagement, the Government appreciates the Committee's encouragement for the continued strengthening of tripartite consultative processes. Strengthening tripartism and social dialogue is one of the key outcomes enrolled not only in the tripartite road map but also in the Philippine Labor and Employment Plan.

In this regard, the Government informs this Committee that tripartism and social dialogue in the Philippines is firmly institutionalized. A wide range of tripartite mechanisms exist, which ensures sectoral participation and engagement in various aspects of labour and employment, such as the NTIPC, the regional Tripartite Industrial Peace Council and the tripartite wage and productivity boards under the DOLE, as well as the governing boards of other agencies involved in health, social security, housing and investment promotion. The sectoral representatives to these bodies are appointed by the President upon recommendation of their respective sectors to ensure genuine representation. Since November 2022, 103 sectoral representatives, 54 from labour and 49 from employers, have been appointed to various tripartite bodies by the President.

On the second major item, on civil liberties and trade union rights, relevant information on the cases characterized as "previous allegations" as well as "new allegations" have been provided in the earlier reports that were submitted by the Government. On the "new allegations" the Government provides the following additional information:

- On the killing of Alex Dolorosa, allegedly an officer of the BPO Industry Employees Network (BIEN), the Government clarifies that BIEN is registered with the DOLE as a workers' association, not as a trade union. DOLE records of BIEN do not show any officer, member or organizer by the name of Dolorosa. There is also no record of any union that he might have organized. Police investigation reports do not indicate that the killing was motivated by his alleged union activities. The alleged perpetrator, a private individual, has been accused of homicide in October 2023 at the Bacolod City regional trial court. The accused was arraigned on February 2024. The court has also set trial dates.

On measures to combat impunity, strengthen monitoring mechanisms, and enhance the environment for freedom of association and the right to organize, the following are some of the relevant developments:

- To help combat indiscriminate labelling, including red-tagging, the EO23 IAC coordinated with the Anti-Terrorist Council (ATC), which issued an Official Statement dated 29 April 2024 that the ATC is the only administrative agency that has the authority to designate individuals or groups as terrorists, strictly in accordance with existing laws, rules and

regulations to ensure that fundamental rights and due process are respected and protected. The ATC also issued a Memorandum dated 30 April 2024 against indiscriminate labelling, instructing all ATC members and support agencies to abide by the procedures and guidelines for designation of terrorists, and to monitor and report to the ATC incidents of non-compliance, unauthorized designations, or other related issues.

- At the level of regional monitoring bodies, multisectoral dialogues, including between trade unions and the military, strategic workshops on activities to promote freedom of association, and reconstitution and reorientation of the regional monitoring body have been undertaken.
- The first paralegal training organized and conducted by DOLE and the University of the Philippines College of Law and attended by 39 trade unionists completed the six-day training on employers' and workers' rights and obligations, available criminal, civil, and administrative remedies in case of violations, practical skills, including affidavit writing and case build-up.
- A data-sharing agreement between DOLE and the CHR on the referral and evaluation of cases allegedly arising from the exercise of union rights has been signed and is currently being implemented.
- The DOLE's budget for the strengthening of tripartite monitoring mechanisms has been increased by 350 per cent in the 2024 General Appropriations Act.
- Actions of other government agencies also complement the tripartite road map and the work being done by the Inter-Agency Committee. Administrative Order No. 22 dated 8 May 2024, issued by President Marcos, established a Special Committee on Human Rights Coordination to enhance existing mechanisms for the promotion and protection of human rights.

The third measured item is on pending legislative matters. These fall under two types: the first are those which are intended to combat impunity; the second are those intended to amend specific Labor Code provisions pertaining to freedom of association and the right to organize. The Government submits the following updates.

Number one, the 19th Congress when these bills were filed has adjourned and is currently in recess. The 20th Congress will convene on 22 July 2024. Technically, there are no pending bills at the moment. Bills which were filed in the 19th Congress will need to be refiled in the 20th Congress.

Number two, the bills filed to address impunity were House Bills Nos 1152 and 4941, which sought to criminalize red-tagging. In this regard, Republic Act No. 9851, an act defining and penalizing crimes against international humanitarian law, genocide and other crimes against humanity and Republic Act No. 11479 (2020), an act to prevent and prohibit terrorism and to establish the ATC, may already provide remedies against red-tagging. Two recent Supreme Court decisions also lay down the remedies and reliefs against red-tagging. The Supreme Court has affirmed the legal reliefs available to persons who are indiscriminately tagged as security threats in two landmark decisions: one is *Deduro v. Vinoya*, declaring that red-tagging, vilification, labelling, and guilt by association constitute threats to a person's right to life, liberty, or security and justify the issuance of a writ of *amparo*; the second is *Castro and Tamano v. Dela Cruz*, issued October 2023, granting the writs of protection, habeas data and *amparo* in Favor of Castro and Tamano.

Number three, the bills seeking to amend the Labor Code are several House Bills on trade union membership, on union registration as well as the power of the Secretary of Labour to assume jurisdiction over labour disputes involving national interest. The executive branch of Government defers to Congress where it comes to legislative matters. However, it is prepared to work within the framework of the NTIPC to review why the bills have not progressed and to determine what are the bills that can be supported by consensus to further enhance the environment for the exercise of freedom of association and the right to organize.

Worker members – The Philippines has been under the regular supervision of this Organization, including six times in front of this Committee since 2007, on its failure to comply with the Convention. Last year, a long-delayed HLTM to the Philippines took place to follow up on reports of extremely serious violations of freedom of association in the country, including threats and harassment, surveillance, arbitrary arrest and detention, and extrajudicial killings of union members for their legitimate union activity, among other violations of civil liberties. The mission eventually led to the adoption of a tripartite road map to address the many identified concerns, with agreed timelines. This, at first, appeared to be progress. However, we note that a significant portion of the labour representatives in the NTIPC – 12 out of 19 – either did not endorse the road map or subsequently withdrew their support for it, revealing a significant lack of consensus on the way forward by those who have been victimized by successive governments. Moreover, there remains a very significant gap between words and deeds on the part of the DOLE, which has been very slow to implement the recommendations of the HLTM in 2023.

We welcome the fact that there have been no anti-union murders in the Philippines in 2024. Nevertheless, we do note that Philippine trade unions have documented at least 72 killings of trade unionists overall. This number includes at least two who were killed in 2023, namely Alex Dolorosa and Jude Thaddeus Fernandez. At the same time, other forms of violent anti-union retaliation continue apace, including forced disappearances, arrests and detention, forced disaffiliation, and red tagging, among others. This behaviour is evidence of a prevailing culture of anti-unionism in the country, which has continued into the Marcos administration. Cases are still rarely investigated, and few have faced any accountability.

The rampant use of “red-tagging” when state actors make baseless accusations that specific labour unions and union activists are members of so-called “communist-terrorist organizations” remains a serious problem. This accusation is often enough for trade unionists to be detained and questioned by the military and police and discourages workers from supporting a legitimate union activity out of a quite understandable fear of retaliation. As just one example, there has been constant surveillance, harassment, and monitoring of the Alliance of Concerned Teachers (ACT) and its leaders. In 2024, the ACT National Office has been under regular surveillance by the authorities. Several individuals have also been targeted. Ms Aurora Santiago, ACT Region III Union Coordinator, has reported constant surveillance, and was charged under the Anti-Terrorism Act. Mr Francisco Eco Dangla III, the ACT Pangasinan provincial coordinator, was abducted and tortured. Police and intelligence officers have also entered public schools in the National Capital Region, where leaders of ACT are working, to spread unfounded accusations and sow fear among students, teachers and administrators. This behaviour persists because the policies that led to trade union repression under the previous administration, particularly Executive Order No. 70, remain in place today.

Mechanisms put in place to address these serious violations, such as the National Tripartite Industrial Peace Council Monitoring Body (NTIPC-MB) and the Regional Tripartite Monitoring Body (RTMB), have also failed. The monitoring bodies were regionalized through Administrative Order No. 32, mandating the direct or operational monitoring of freedom of

association cases to be done by the RTMBs in the different regional offices of the DOLE. The NTIPC-MB is to have oversight or supervisory function on RTMB's profiling and monitoring work. The Bureau of Labor Relations is tasked with monitoring the freedom of association or trade union rights violation cases, but there has been no improvement in the effectiveness of its work, even though DOLE claims to have allocated additional resources to its 2024 budget. Furthermore, the lack of fully funded programmes on promotion of human rights and trade unions rights have hampered RTMB monitoring work.

The Inter-Agency Committee on Extra-Judicial Killings, Enforced Disappearances, Torture and Other Grave Violations of the Right to Life, Liberty and Security of Persons, created under Administrative Order No. 35, was supposed to address the grave human rights violations, including labour-related killings. Based on the profiling and monitoring work of RTMBs, the DOLE refers the cases relating to killings, disappearances, torture and other violations of the right to life of trade unionists to that Committee. However, unions have little understanding of its workings, and despite its resources few cases have progress or have been resolved. The nine resolved cases out of the 65 extrajudicial killings were all prior to the establishment of that Committee.

We echo the view of the Committee of Experts that these bodies will be allocated more resources and staff in the very near future, with a view to ensuring their full operationalization and, in turn, the effective and timely monitoring, investigation, and, as appropriate, referral for prosecution of all pending labour-related cases of extrajudicial killings and other violations against trade union leaders and members.

In 2023, Executive Order No. 23 was enacted to establish an inter-agency committee to address labour issues. However, it falls short in several fundamental aspects. The EO23 IAC does not include representation from trade unions and workers' organizations, or even from employers' organizations, and neither were consulted in the drafting of the Executive Order No. 23. This is despite the fact that trade unions had called for consultation and had submitted proposals well in advance. As such, it merely replicated the ineffective Administrative Order No. 35, set up by the Aquino Administration. Worse, the Government has made clear that they have no intent to amend Executive Order No. 23 to include labour and employer representatives or even to create regular consultations with the social partners.

In addition to acts of violence and the climate of impunity, the trade unionism is also undermined by the ability of employers to engage workers through a variety of precarious and indeed illegal employment arrangements which undermine stability and empower employers to easily dismiss workers for their union activity. When workers seek to have their employment regularized, they will either be dismissed illegally or have to endure years of litigation. The illegal use of agency workers and fixed-term employment – often with contracts renewed every six months – coupled with the refusal to recognize employer–employee relationship allows employers to illegally remove workers from the right join the union and bargain collectively. Several bills have been introduced to address this issue, but none have been adopted. The Secretary of Labor has long failed his obligation under the Labour Code to restrict or prohibit the contracting out of labour to protect the rights of workers (article 106).

We also note in the Report that the Government touts the recent signing of a Memorandum of Agreement (MOA) between DOLE, the Department of Trade and Industry (DTI) and the Philippine Economic Zone Authority (PEZA) to establish an Ecozone Tripartite Advisory Council, as well as ecozone tripartite working committees. However, DOLE failed to involve the labour movement in the MOA – a pattern with this Government. This includes the

exclusion of relevant labour representatives, including the Ecozone Technical Working Committee in the Mactan Export Processing Zone, established in August 2023.

Finally, I note that the Committee of Experts has raised a number of legislative issues over many years, affecting workers in the public and private sectors. Of particular concern, large swathes of public sector workers, including those hired on job orders or contracts of service, as well as firefighters, prison guards, and other public workers, cannot join or form unions. Even those in the public sector who do have the right to form a union cannot take industrial action. We note from the Committee of Experts' report that once again several bills have been introduced to the legislature; however, it is not sufficient merely to introduce legislation. We share the Committee of Experts' regret that no concrete amendments appear to have been made in relation with the pending matters. The Workers' Group expects that the Government will make every effort to bring national legislation into conformity with the Convention as soon as possible.

In closing, the Worker members deeply regret that the Government failed to meaningfully consult with trade unions to build consensus on an agreed way forward and continues to fail to implement the previous conclusions of this Committee. We cannot accept the continued delays. The Worker members will continue to keep close watch on this case, until workers are able to fully exercise their fundamental rights in law, in a climate free from violence, harassment and intimidation, and within the framework of a system which guarantees the effective respect of civil liberties and freedom of association rights.

Employer members – As we know, this is a fundamental Convention, ratified by the Philippines in 1953. The case has been discussed 7 times before in the Committee and 19 times the Committee of Experts has issued observations. Some of the legislative issues referred to by the Committee of Experts' observations are related to the right to strike so here we are reminding the house of the Employers' disagreement with the Committee of Experts' views concerning a right to strike in the Convention and we emphasize that neither the Convention, nor any other ILO Convention contain rules on the right to strike and that the Government group of the Governing Body confirmed in their position statement of March 2015 that the scope and conditions of this right are regulated at the national level.

Turning to the key points of this case. This case derives from a history of complaints and allegations of serious oppression of trade union members and leaders in the Philippines over many years. Time does not permit enunciating of the details. However the concerns raised were sufficiently serious to raise the subject of a HLTM in January 2023. The mission made the following recommendations: greater coordination and consistency across the varying arms of Government to better guard against serious threats to freedom of association; engagement with the social partners to make genuine progress in preventing future violations of freedom of association including through the finalization of a road map with agreed timelines; establishment of a single presidentially mandated body to identify and address all outstanding cases of alleged labour-related extrajudicial killings and abductions; establishment of an independent non-judicial body to review cases referred to it by the presidential commission with a view to receiving and documenting testimony and making proposals for compensation; strengthening the role of the NTIPC-MB to identify and ensure rapid and effective protection measures with regard to threats to the life; security or safety of trade unionists; and full implementation of all previous recommendations.

In June 2023, the Committee urged the Government, in consultation with the social partners, to put an immediate end to any act of violence and intimidation against union members for the legitimate exercise of their rights under the Convention as well as violations

of freedom of association, in line with the recommendations of the HLTM; to immediately and effectively undertake investigations into the allegations of violence in relation to members of workers' organizations; to operationalize the monitoring bodies; and to ensure that all workers are able to form and join organizations of their own choosing in accordance with Article 2 of the Convention.

The Committee also urged the Government to take decisive and effective measures to promote a climate of non-violence, as well as constructive social dialogue and labour relations at all levels in the country, and it requested the Government to finalize, with technical assistance and in consultation with the social partners, the road map on effectively addressing all outstanding issues.

While the Committee of Experts in its present observation welcomed the progress achieved with respect to the elaboration of the tripartite road map and the review of the Guidelines on the conduct of stakeholders, it also noted concerns regarding certain elements linked to the recommendations of the HLTM.

First it noted with deep regret that no concrete progress appeared to have been made in the investigation of the killings of a number of trade unionists and other reported serious incidents, as well as the punishment of their perpetrators.

The Committee of Experts therefore expected the Government to take the necessary steps to ensure that all allegations presented by various unions since 2015 are properly and fully investigated, and that the cases are reviewed by the CHR when unresolved, so that the facts are established, culpability determined and perpetrators brought to justice.

The Committee also requested the Government to ensure that trade unionists are able to exercise their activities in a climate free from violence, harassment and intimidation and within the framework of a system which guarantees the effective respect of civil liberties and freedom of association rights.

It is all the more disturbing therefore to note further instances of killings and disappearances of trade unionists since 2019, including the murder of union leader Alex Dolorosa in April 2023.

The Committee of Experts therefore encouraged the Government to fully engage with the social partners to progress the operational guidelines of the monitoring mechanisms, including in the framework of the tripartite road map. It requested the Government to strengthen these mechanisms for effective and timely monitoring and investigation of all pending labour-related cases of extrajudicial killings and other violations against trade union leaders and members.

For its part, the Government has advised that regular monitoring shows that concrete action has been taken by the concerned authorities in cases where witnesses are available; some cases have turned out to be clearly not union-related; and in others, even family members themselves have desisted from pursuing the cases. In the instance of the killing of Alex Dolorosa, which appeared not to be union-related, the alleged perpetrator, a private individual, has been charged with homicide in October 2023 and arraigned on February 2024. The court has also set trial dates in this issue.

The concern here is that not a lot of cases have been resolved and the message is that monitoring itself does not solve crimes or uncover the truth, as that can only be achieved via investigation, evidence of which still seems lacking. We therefore urge the Government to increase its efforts in this regard.

On the topic of training and Guidelines on the conduct of stakeholders, the Committee on the expected that these training activities would continue within the framework of the tripartite road map and significantly contribute to raising awareness on matters related to freedom of association and collective bargaining among State officials. Noting the Government's interest in receiving technical assistance from the Office, the Committee hoped that this assistance would be provided in the near future. The Government provides information about some current training and awareness-raising activities, but these appear to be sporadic rather than regular. Overall, little seems to be happening, and again we urge the Government to increase its efforts.

Regarding legislative matters, we note that a significant amount of draft legislation aimed at ensuring respect for civil liberties in the exercise of trade union rights is yet to be adopted and there is a large number of bills. We again encourage the Government to take concrete time-bound measures towards their adoption as soon as possible.

On a positive note, the Government adopted, on 26 April 2024, the Omnibus Guidelines on the Exercise of Freedom of Association and Civil Liberties following tripartite approval. The Guidelines, which consolidate, update and strengthen two previous guidelines concerning freedom of association issued in 2011 and 2012, govern the conduct of government agencies, employers, and workers in the private sector in the workers' exercise of the right to organize, bargain, and engage in peaceful actions including public assemblies; they delineate and update stakeholders' responsibilities for better coordination in labour and employment education, maintaining peace and order, case prosecution, and protecting national sovereignty and integrity.

The Government has also taken steps in a number of other areas, but time does not permit enunciating the details. However, what is still lacking is evidence of the impact of these changes, in light of which the Employers call upon the Government to provide an explanation of the aims and effects of all of its legislative initiatives.

Notwithstanding the concerns raised above, we note that the Government has actively sought the assistance of the ILO in a number of respects. For instance, the Trade for Decent Work project in the Philippines aims to enhance the application of international labour standards, particularly focusing on freedom of association and the right to collective bargaining principles, alongside addressing COVID-19 responses. The overall objective is to contribute to the improved implementation of international labour standards as a Generalized System of Preferences Plus (GSP+) beneficiary country. The project capacitated Government agencies, including the security sector, labour regulators and the armed forces. With priority sectors being garments, coconuts and sardines.

To conclude, all in all, the Employer members remain concerned that the issues brought to the Committee remain. That said, we are mindful that the recommendations of both the 2023 HLTM and the 2023 Committee are not easily implemented in short order. We therefore urge the Government to expedite its implementation of the various recommendations, seeking assistance from the ILO as necessary, and to provide a report on its progress by 1 September 2024 so that the situation may be objectively reviewed by this Committee in 2025.

Worker member, Philippines – Fresh in our minds, the ILO Director-General, Gilbert Houngbo, re-echoed to us last Monday that poverty anywhere constitutes a danger to prosperity anywhere, and labour is not a commodity. I will join him. Another fundamental principle from the Declaration of Philadelphia adopted 80 years ago and still relevant today states “freedom of expression and of association are essential to sustain progress”. This principle is the fundamental focus of our discussion today on the exercise of freedom of

association under the Convention, as workers under trade unions continue to face a rocky road ahead in the Philippines.

An HLTM visited the Philippines in January last year. Filipino workers continue and will probably continue to face significant obstacles in exercising the right to freedom of association if we maintain the status quo and the slow pace of reform matters. We appreciate the report of the Government, we noted the decline in trade union killings during the first two years of the Marcos administration, however, it is to be remembered well that at least two trade union leaders were killed in 2023 right after the HLTM. One or two are too many and we cannot afford to have more. To identify the two persons, they were Alex Dolorosa and Jude Fernandes. Meanwhile red-tagging, abduction, termination from employment and forced disaffiliation continue despite some formal measures adopted by the Government. We recall that six to eight victims of extrajudicial killings were documented and submitted by the ITUC affiliate and other unions under the All-Philippines Trade Unions to the HLTM in 2023. Now there are about 72 or so unresolved cases of extrajudicial killings of trade union leaders and organizers with none seeing progress in court, save the case of Alex Dolorosa, which was filed before the regional trial court of Bacolod city. The Government referred to efforts to expedite investigation and prosecution. It stated that the EO23 IAC is closely monitoring the case of Alex Dolorosa. This case stands as an emblem of a broader pattern of unresolved injustices within our society. Due to a sloppy investigation, the Government classified Alex Dolorosa's killing as non-union related. However, circumstances and evidence suggest that Alex was under surveillance and red tagged by the police before his death. Alex was an active LGBTQ union organizer and paralegal with the BIEN, a workers association covered by freedom of association, worsening the environment for freedom of association and leading to a loss of trust and confidence in our police authorities. Another glaring example is the case of Manny Asuncion, organizer of the Kilusang Mayo Uno (KMU) which the former justice leadership has deemed necessary to prosecute only to have those efforts abruptly halted by the current Secretary of the Department of Justice. The question lingers: why forego the opportunity to revisit this case? Forced disappearances are ongoing, with the latest case in April 2024 involving a trade union organizer by the name of William Larusa of the KMU. Additionally, the practice of labeling trade union movements as part of the communist insurgency, referred to as "red-tagging", persists. Unions identified with SENTRO, KMU, the Trade Union Congress of the Philippines (TUCP), and three unions of the Federation of Free Workers were the recent recipients of this scheme. This has escalated to a workers' organization being linked to "terrorist financing". Vice-President Sara Duterte has also directly accused the ACT of hampering a collective negotiation agreement through red-tagging.

The PNP Non-Uniformed Employees Association (NUPAI), the certified negotiation agent of the non-uniform employees of the Philippine National Police (PNP) and an affiliate of the Public Service Labor Independent Confederation (PSLINK) for the past three years and until now, failed to sign a Collective Bargaining Negotiation Agreement with the management of the PNP. The union was enticed to disaffiliate from the PSLINK.

As with the woman president, Ms Sarah Lerum of NUPAI, women trade unionists have not been spared from the attacks, like those from Unyon ng Manggagawa sa Agrikultura being visited by uniformed personnel, or worse, the woman agriculture worker who was slain together with her family. This culture of impunity must stop, especially in light of the Government's commitment, to end all forms of harassment and violence, including gender-based violence in the world of work, as mandated by the Violence and Harassment Convention, 2019 (No. 190).

The Presidential body created under Executive Order No. 23 is not a tripartite body, ignoring the workers' proposal for a tripartite commission. In fact, we drafted an executive order for a tripartite commission during the HLTM. Executive Order No. 23 meant to protect freedom of association and workers' rights but without workers' and employers' representation. It has not met workers' expectations.

The EO23 IAC is similar to the National Task Force to End Local Communist Armed Conflict (NTF-ELCAC), which has been accused of red-tagging and pressuring trade unions to disaffiliate from their labor federations. Trade unions hold that unless Executive Order No. 70 is rescinded and the NTF-ELCAC is dismantled, the Government retains the instruments to unleash a repressive regime against trade unionism.

There has been no progress in establishing a truth commission, a trade union proposal to gather evidence and to investigate those responsible for the killings and detention of trade unionists. This commission would also provide compensation for extrajudicial killings, to victims and their families.

The Government has created an illusion of action, but attacks on freedom of association have become more blatant. Gig economy workers are being excluded from employer-employee relationships to prevent unionizing, and the Public Utility Vehicle Modernization Program is displacing jeepney drivers and dismantling their organizations. Also, contrary to the Convention, jeepney drivers and operators are forced to join corporations or cooperatives despite their objections.

We commend the Government for ratifying the Labour Relations (Public Service) Convention, 1978 (No. 151), and recently Convention No. 190. However, seven years after the ratification of Convention No. 151, the Philippines still lacks the Public Sector Labor Relations Bill, the enabling law needed to align our labor laws with the standards set by the Convention.

We laud the Philippine Supreme Court for the decision that "red-tagging and vilification, and labelling and guilt by association threaten one's right to life, liberty, or security".

We humbly urges the Government to:

- earnestly collaborate with social partners to finalize or further discuss the road map on freedom of association.
- heed the demands of the global labor movement to abolish the NTF-ELCAC.
- elevate the Guidelines on Freedom of Association, now known as the Omnibus Guidelines, into an Executive Order with its own enforcement mechanisms to ensure full compliance by security forces.
- provide resources to the CHR to enable investigations into trade union killings and offer reparations to the victims' families.
- demonstrate a commitment to ending impunity by ensuring justice for some of the murdered individuals, starting with the reopening of the case of Manny Asuncion.

The Secretary of Labor should use his power, mandated by the Labour Code, to regulate all forms of precarious work arrangements, prioritize aligning Philippine laws and practices with ILO standards, as repeatedly urged by the ILO in recent years, and certify as urgent the legislative measures pending in Congress, including the Security of Tenure Bill and the Public Sector Labor Relations Bill.

The time to act was one and a half years ago, and there is much work to be done.

Employer member, Philippines – The Employers’ Confederation of the Philippines (ECOP) deeply regrets the inclusion of the Philippines in the shortlist of cases by the Committee. Going over the observations made by the Committee of Experts gives us the impression that it failed to fully appreciate the concrete steps taken by the Philippine Government on the Convention, disregarded the robust tripartite consultation process in relation to it, and regrettably misinterpreted the legislative process in our country.

The commitment of the Government to fulfil its obligation under the Convention is clearly reflected in the substantial reforms initiated to bolster the operational effectiveness of tripartite monitoring bodies, enhance inter-agency coordination, promote an enabling environment through targeted labour education and expedite the investigation, prosecution, and resolution of alleged violations of freedom of association.

ECOP will focus now its intervention on specific developments over which we now have real direct knowledge and involvement.

On the approval of the Roadmap on Freedom of Association, the crafting of the road map in line with the recommendations of the ILO supervisory bodies and the HLTM followed a tripartite process from the very start. The DOLE resumed the tripartite discussion on the road map, including the following:

- Consultations with the bipartite dialogue mechanism called “Leaders’ Forum”, of which ECOP is a member.
- The creation of a tripartite technical working group which finalized and consolidated the inputs on the road map gathered from the area-wide consultation.
- A workshop with the Tripartite Executive Committee (TEC), where ECOP is likewise represented.

On 23 August 2023, the NTIPC approved resolution No. 3 to formally adopt the Roadmap on Freedom of Association and express collective commitment to work towards its realization.

The Government pursues an open and constructive engagement with the sectors in addressing concerns raised. Upon the request of the labour sector, a dialogue with the Executive Secretary took place on 29 September 2023, at the Malacañang Palace, Manila. Present during the dialogue were representatives of different labour organizations and ECOP, as well as the member agencies of the EO23 IAC and the CHR.

Sectoral views were heard and addressed by the Executive Secretary during that particular dialogue. In particular, ECOP expressed the view that existing laws and mechanisms are functioning satisfactorily, and that creating another body might just turn out to be a redundant or unnecessary, and a counterproductive bureaucratic layer. It emphasized as well that escalating issues which could be resolved through national institutions to international bodies like the ILO creates a negative impression on the country; and that ILO has no jurisdiction over incidents that are not genuinely related to or arising from the exercise of the right to organize.

On the approval of the Omnibus Guidelines on the Exercise of Freedom of Association and Civil Liberties. On 21 March 2024, the NTIPC approved the Omnibus Guidelines which consolidate and supersede the 2011 and 2012 Guidelines concerning freedom of association. The Omnibus Guidelines govern the conduct of stakeholders from the government, labour, and employer in the private sector relative to the workers’ exercise of freedom of association, the right to organize, collectively bargain, and engage in peaceful concerted activities, including public assemblies.

ECOP fully supported the inclusion of the various bills meant to amend the Labor Code of the Philippines in the Roadmap on Freedom of Association. However, they could not be taken in isolation from the developments that are shaping the world of work in my country. We would rather that a comprehensive rather than a piecemeal approach be taken. A balance between the interests of employers on one side, and the interest of workers should also be observed, even as we concede that a tilt in favour of the latter may be inevitable in the interest of social justice.

The DOLE is part of the executive branch of the Philippine government. It cannot mandate another legislative body, in other words the Philippine Congress consisting of the Senate and the House of Representatives, to pass the proposed amendments to the Labor Code of the Philippines. Under our current system of government, there is a separation of powers among the three branches, namely the executive branch, legislative branch, and the judiciary. Perhaps, the labour sector which has representation and a number of constituents in the House of Representatives could influence in expediting the legislative process.

Government member, Belgium – I have the honour to speak on behalf of the **European Union (EU) and its Member States**. The candidate countries, **North Macedonia, Montenegro, Albania and Republic of Moldova**, and the EFTA country **Norway**, member of the European Economic Area, align themselves with this statement.

The EU and its Member States are committed to the respect, protection and fulfilment of human rights, including labour rights. We actively promote universal ratification and effective implementation of fundamental ILO Conventions and support the ILO in developing and promoting international labour standards and supervising their application.

The Philippines is an important partner, including in support of multilateralism and international rules-based order. Within the framework of the GSP+ and the Framework Agreement on partnership and cooperation with the EU and its Member States, the Philippines committed to ratify and effectively implement international Conventions on human rights, including labour rights.

The case we discuss today, is long-standing and serious. Following last year's discussion in the Committee on violations of the Convention, the Government of the Philippines was urged to take action on several points, in particular to put an end to any act of violence and intimidation against union members for the legitimate exercise of their rights; to immediately and effectively undertake investigations into the allegations of violence; to operationalize the monitoring bodies; and to ensure the right to freedom of association for all workers.

We welcome that the Philippines also received a HLTM in January 2023 and has initiated discussions on a tripartite road map covering the areas of action identified in 2019 by the Committee to address these long-standing concerns. While noting the Government's initiatives taken in this regard, we echo the Committee's expectation that both the tripartite road map and the Guidelines on the conduct of stakeholders be finalized. This should be done as a matter of priority with clear deliverables and timelines and be incorporated in the Labour and Employment Plans as previously indicated by the Government. We underline the importance of full consultation with social partners on all questions affecting trade union rights.

We take note of the allegations received regarding the continued and serious violations of workers' human rights, including trade unions rights, in the Philippines, as well as the written information provided by the Government.

Regarding previous allegations of trade unionists' murders, we deeply regret that no concrete progress has been made in investigating these incidents. Considering these serious

allegations, we expect that the Government will take the necessary measures for the facts to be clearly established, so that responsibilities are determined, and persecutors do not go unpunished. Due to the repetition of these events, we express our deep concern with regard to the new allegations of killings of trade unionists. We take note of the written information provided by the Government on this matter but we recall the importance of providing more details in view of the numerous former and more recent allegations.

We note with concern the new allegations of red-tagging and harassment. We echo the request of the Committee of Experts on the necessity for the Government to take measures to ensure the effective exercise of trade union rights in a system free from violence, harassment, or intimidation, and respectful of human rights, including the right to freedom of association and in that respect the ruling by the Philippines Supreme Court of 8 May 2024.

While noting the allocation of funds in the 2024 General Appropriations Act, we expect that the monitoring bodies will be provided with sufficient resources, to ensure an effective and timely monitoring, investigation, and the appropriate referral to the courts of all pending cases of extrajudicial killings and other violations against trade union leaders and members.

We welcome the training activities with a specific focus on freedom of association and collective bargaining among state officials and we encourage the Government to continue raising awareness on these matters.

In accordance with the observations of the Committee of Experts, we again encourage the Government to take the necessary measures to ensure that its legislation complies with the Convention and to report to the ILO on the progress achieved. We particularly emphasize the importance of the adoption of House Bills Nos 1152 and 4941, which aim to define and criminalize the practice of red-tagging of trade union representatives and members. Moreover, we regret that no concrete amendments have been made to pursue the revision of the Labour Code and expect swift progress on that matter.

We express our hope that the Government will continue to ensure that the Anti-Terrorism Act will not be implemented in a way that restricts legitimate union activities and human rights.

The EU and its Member States encourage the Government to continue its efforts to improve mechanisms for the promotion and protection of human rights, including labour rights, and pursue its collaboration with the ILO to address the issues raised.

Government member, Indonesia – On behalf of **the Association of Southeast Asian Nations (ASEAN) and its member States, Brunei Darussalam, Cambodia, Indonesia, Lao People's Democratic Republic, Malaysia, Myanmar, Singapore, Thailand and Viet Nam**, I extend our collective support for the commendable efforts of the Philippine Government in addressing labour issues and promoting freedom of association.

The Philippines has demonstrated a genuine commitment through decisive actions and collaborative approaches. We recognize the significant strides made, such as establishing tripartite bodies within economic zones, empowering labour organizations through paralegal training, and strengthening investigations into labour rights violations. These initiatives showcase a proactive approach to fostering an environment where workers can freely associate and collectively bargain.

Achieving meaningful change requires the active participation of all stakeholders. Genuine achievement through social dialogue is essential, as it builds mutual trust, respect, and collaboration among all parties involved. We call on all Philippine tripartite partners to collaborate with good faith, mutual trust and respect to ensure these initiatives succeed.

Despite the ongoing challenges, we commend the Philippine Government for its unwavering dedication to freedom of association. We urge all stakeholders to support these efforts, recognizing and learning from the difficulties faced and the significant progress that has been made.

Government member, United States of America – The United States thanks the Government of the Philippines for providing additional information to the Committee. We welcome, in particular, the information on the recent Supreme Court decision declaring red-tagging, vilification, labelling, and guilt by association constitute threats to a person's right to life, liberty or security, and justify issuance of a writ of *amparo*.

We remain concerned, however, with ongoing reports of red-tagging of unions and other worker organizations. We encourage the Government to publicly acknowledge the workers and worker organizations that are or have been red-tagged for exercising their fundamental labour rights are, in fact, legal organizations that are protected by law, with the right to organize and engage in collective bargaining. We also encourage the Government to prioritize efforts toward the adoption of House Bills Nos 1152 and 4941 that – if enacted – would criminalize red-tagging.

We welcome the Government's continued commitment to thoroughly investigate and to hold the perpetrators accountable for the 2023 murder of Alex Dolorosa, a trade union leader and LGBTQI+ activist with the BIEN.

Noting the important role of the independent Philippine CHR under their recent MOU with the DOLE, we are concerned that the CHR is facing budget cuts and is not being provided sufficient resources to undertake its Constitutional duties.

Regarding the follow-up with the 2019 conclusions of the Committee, we encourage the Government to finalize the tripartite road map without delay, to include agreed timelines as requested by the HLTM, in consultation with tripartite stakeholders.

We note the Committee of Experts' observation indicating that the issuance of Executive Order No. 23 occurred without any discussion with workers' organizations. We call on the Government to review Executive Order No. 23 in full consultation with the social partners.

We also note that no amendments have been made to address ILO supervisory bodies' comments regarding Labour Code reform. We encourage the Government to take the necessary measures to bring the national legislation into conformity with the Convention as soon as possible. We also encourage the Government to take action to eliminate illegitimate forms of contractualization that obscure the existence of an employment relationship and erode the right to security of tenure, including in the public sector.

The United States remains committed to engaging with the Government to implement a whole-of-government approach to address freedom of association issues and advance worker rights in the Philippines.

Employer member, Malaysia – We want to express our unwavering support to the Philippines in its tireless efforts to address the long-standing issues concerning freedom of association. Since accepting the HLTM in January 2023, the Philippines has embarked on a transformative journey, demonstrating an unyielding commitment to upholding the fundamental rights of its people.

The progress made by the Philippines thus far deserves recognition. It has taken decisive action to strengthen its legal framework, aligning it with international labour standards and ensuring the protection of workers' rights. The Government's commitment to fostering an

enabling environment for trade unions and labour organizations is a testament to its genuine desire to empower its citizens and promote social justice.

We take note that following the HLTM, the Philippine President took direct action to implement the HLTM's recommendations with the creation of an Inter-Agency Committee under the Office of the President to strengthen coordination to relevant existing institutions, with a view of expediting the resolution of complaints raised.

We commend the Government's response to the concerns raised by both the worker and employer sectors regarding the need to ensure genuine sectoral representation in tripartite bodies. The reconstitution of these tripartite bodies with the appointment of representatives nominated by the social partners should continue as a matter of policy. The strengthening of RTMBs should also continue with support, as necessary, from the ILO.

As we recognize the Philippines for its efforts, we must also underscore that the journey toward full realization of freedom of association is an ongoing one. It requires sustained commitment, vigilance, and continuous dialogue among all stakeholders. It is through collaboration, empathy, and a shared vision that we can collectively overcome the obstacles that impede the progress of workers' rights.

The ILO's support plays a crucial role in fostering and protecting the fundamental rights of workers in the Philippines. The technical assistance it provides, especially on freedom of association, is invaluable. In this regard, we hope that the Philippines shall continue to avail itself of the technical assistance in order to facilitate the realizations of the recommendations.

In conclusion, let us stand in solidarity with the Philippines as it forges ahead on its path towards promoting and safeguarding freedom of association. Let us support the country's commitment to inclusive dialogue, legal reforms, and capacity-building initiatives that empower workers and unions.

Worker member, Fiji – As a member of the HLTM that visited the country in 2023, I am deeply concerned about the implementation of the mission's recommendations. Unfortunately, the reports I gather are not very encouraging.

The trade union repression from 2016 up until the mission in 2023 is systemic. I witnessed the NTF-ELCAC nonchalantly red-tagging individuals during the mission's tripartite debriefing in Manila, when Colonel Medel Aguilar from the Armed Forces of the Philippines (AFP) suggested that the workers' representative at the ILO was a member of the Communist Party and perhaps so were some members of the mission.

In 2023, at least two trade union leaders were killed, and others were abducted. From 2023 to the present, leaders from KMU remain jailed on false charges, while members of SENTRO, KMU, and the TUCP face red-tagging, surveillance, and profiling. These issues persist due to enduring policies from the previous administration, particularly Executive Order No. 70, which established the NTF-ELCAC.

The DOLE has not only been slow to implement the recommendations from the HLTM in 2023, it has also misrepresented several key issues: Executive Order No. 23 not only denied representation of partners, but it was also issued without consulting labor and employers. The submitted road map for the freedom of association lacks genuine consensus and remains to have divergent views. The tripartite mechanism established in Mactan Export Processing Zone failed to involve the labour movement.

Meanwhile, legislative measures to align the Labour Code with the ILO standards remain pending, and the Office of the President has not prioritized them.

Contractualization remains to be a major barrier to exercising trade union rights. The Secretary of Labor has not used the power mandated by the Labour Code to regulate all forms of precarious work arrangements, hindering workers' ability to organize, collectively bargain and the right to strike.

The real measure of progress lies not only in the reduction or absence of violations against trade unions but in the absence of all human rights violations and an increase in unionized workers.

Given these challenges, it is crucial for the Philippines to fully implement the HLTM's recommendations. The Government must uphold its international obligations to protect its citizens; failure to do so would send a negative message to both the ILO Members and trading partners.

Employer member, Indonesia – In this important opportunity, the Indonesian Employer Association (APINDO) comments the un-refrained dedication and concrete measures taken by the Philippine Government, particularly over the past year, in proactively and comprehensively addressing the challenges at hand. We take note that the Philippine Government has cooperated fully with the ILO supervisory body with its acceptance of the HLTM in August 2022 and receiving the mission in January 2023. Toward this end, the Government consistently submitted comprehensive reports on concrete action undertaken to comply with the HLTM recommendation. It is noteworthy to mention significant steps to safeguard freedom of association were taken despite a relatively short period, demonstrating Philippines' commitment to progress. It is important to note however that our stakeholders need to play an active role through cooperation and collaboration to ensure the success of this initiative and see the real change. In this respect, we encourage the Philippine tripartite partners to work together toward achieving a common goal guided by good-faith mutual trust and respect. In conclusion, we firmly support the Republic of Philippines along with the hope that the Philippines Government continues its proactive and comprehensive approach, as well as its commitment to tripartism towards the realization of the principle of freedom of association.

Interpretation from Chinese: **Government member, China** – We Thank the representative of the Philippine Government for the detailed introduction. We have also carefully read the report of the Committee of Experts and the supplementary materials submitted by the Government to other committees. We noted that the Philippine Government has been cooperating with the ILO and the Committee in a cooperative and constructive manner.

The inter-agency committee was established to earnestly implement the recommendations of the HLTM, to promote the social dialogue, to enhance the understanding of freedom of association among different stakeholders and to make significant progress. Through concrete actions, the Philippine Government has demonstrated its determination to effectively solving the existing problems. We hope that the ILO could strengthen the communication with the Government of the Philippines and to effectively protect the real rights and interests of workers and employers in the country.

Employer member, Cambodia – I am here today to convey my solidarity with the Philippines and its endeavour to safeguard and advance freedom of association. We consider that the Government of the Philippines is actively engaged in addressing the challenges confronted by labour and is neither deaf nor blind to these issues.

We also consider that the Philippines has demonstrated a sincere dedication to the preservation and protection of freedom of association. The Government's recent actions are a

clear indication of its commitment to establishing an environment that facilitates the free association and collective bargaining of workers.

We regard that the Government is not the sole entity responsible for implementing these changes. In order to guarantee the success of these initiatives, it is imperative that labour and other stakeholders also take concrete actions. The Philippine tripartite stakeholders should collaborate to establish a shared objective that is governed by mutual trust, respect, and good faith. Genuine social dialogue should be prioritized, with transparency and consensus-building as the guiding principles. Stakeholders can guarantee that their concerns are exhaustively investigated and that the appropriate measures are implemented by participating in a dialogue-based approach.

In summary, we urge the Philippines to continue its efforts to safeguard and advance freedom of association. The Government and social partners should be given the requisite space and support to collaboratively resolve the recommendations of the HLTM, and we should recognize the progress that has been made so far. Building upon the principles of justice, fairness, and freedom, we can collectively secure a more promising future for the Filipino workforce.

Worker member, Republic of Korea – Korean workers express a strong solidarity with Filipino workers and join their call for the Philippine Government to take concrete actions to fully implement the Convention immediately.

Until today, cases of violation of freedom of association and even violence continue to pile up. As our colleagues from the Philippine Labor Movement have complained, the DOLE has wasted time cherry-picking and diluting every recommendation of the HLTM to the point that it has been weakened.

Regarding the tripartite road map to implement the 2019 Committee conclusions and achieve full compliance with the Convention, the Government reported to the Committee of Experts that it submitted a draft Road map for Freedom of Association to the NTIPC in September 2023. However, the draft road map has yet to be agreed upon. Reportedly, without the support of the majority of workers' representatives in the tripartite committee, the roadmap remains incomplete.

The Government also reported that it created an Inter-Agency Committee on freedom of association. The HLTM recommended to work with social partners, I emphasize for it. However, the Executive Order was issued without prior tripartite consultation, without tripartite representation and without the special investigation and prosecution powers that a presidential body should have to end, once and for all, the long dark history of impunity in the country.

Regarding legislation, the Committee of Experts has repeatedly recommended since 2009 and the 2023 HLTM urged again to amend the Philippine Labor Code to make it in conformity with the Convention. And yet, the struggle to advance labour legislation for long-overdue amendments, especially to make it easier to form unions, limit the unbounded power of the Labor Secretary in assuming jurisdiction over labour disputes, and decriminalize illegal strikes and lockouts, is still languishing in Congress.

In conclusion, we join the Workers' group colleagues in urging the government to finalize the road map on freedom of association, to abolish the NTF-ELCAC, to elevate the Omnibus Guideline into an Executive Order and to prioritize aligning the laws and practices to the Convention. Otherwise, impunity will continue unabated, unionism and collective bargaining will continue to drop, and tens of millions of Filipino workers will continue to endure inhumane

conditions with no security of tenure, no living wages, and no labour rights, in a situation of life and death.

Miembro trabajador, Guatemala - Las diversas formas de violencia aplicadas en Filipinas contra activistas sindicales tales como asesinatos, desapariciones, vigilancia y amenazas, intimidaciones por el simple ejercicio legítimo de sus derechos reconocidos en el Convenio, la dispersión violenta de huelga y redadas militares y policiales en locales sindicales, se mantienen impunes, pese a los reiterados esfuerzos de los órganos de control de la OIT, que han lamentado estos hechos y han pedido que se acabe con la impunidad que ha colaborado, mediante iniciativas como misiones tripartitas y otros diversos grados de asistencia, al proceso de recopilación de las relaciones de trabajo en este país.

La situación nos evoca tanto a los peores momentos de la violencia de los años setenta del siglo pasado en el cono sur de América Latina, respecto de militares sindicales; así como nos resulta semejante la realidad actual de ciertos países del continente que no han logrado encausar las relaciones laborales hacia espacios de tolerancia, diálogo social genuino y fundamentalmente pleno respeto a los derechos humanos en su más básica expresión.

Preocupa particularmente la inexistencia de avances significativos como la hoja de ruta tripartita, no se han incluido las investigaciones, no han dado cuenta de las tropelías a sindicalistas y el Gobierno no ha dado información suficiente sobre el estado de las investigaciones implementadas. Como si todo esto no fuera suficiente, como para observar severamente al país por los incumplimientos reiterados y graves.

El Informe de la Comisión de Expertos de 2023 menciona nuevos casos de violencia, como el asesinato del Sr. Alex Dolorosa, un funcionario de la red de trabajadores de la contratación externa en los procesos empresariales, así como la desaparición de cuatro personas entre mayo y julio de 2022, y el secuestro e interrogatorio de otros dirigentes, la acusación infundada de dos dirigentes sindicales por robo en una manifestación en junio de 2020.

En su conjunto, Filipinas vive una coyuntura extremadamente grave en cuanto a la vigencia efectiva de los principios y derechos a la libertad sindical que es acompañada de una actitud del Gobierno pasiva y renuente a reconocer el papel del tripartismo y del diálogo social, componentes esenciales para cualquier salida verdaderamente democrática, pacífica y enclave de justicia para todo atentado a los derechos de las personas que trabajan.

Government member, Indonesia – Indonesia would like to support the Philippines. We are of the view that the explanations given by the Government of the Philippine provide a comprehensive and encouraging overview of their proactive measures and unwavering commitment to upholding the principles of the Convention. This dedication is evident through a series of well-documented and strategically implemented actions that reflect both the spirit and the letter of international labour standards. The Government's acceptance of the HLTM on 26 August 2022 underscores its openness to international scrutiny and collaboration. This willingness to engage with ILO mechanisms demonstrates transparency and accountability. The prompt submission of comments on Case No. 3185 to the CEACR on 21 August 2022 highlights the Government's responsiveness and its commitment to addressing specific issues in a timely manner. The submission of nine regular and supplemental reports, including the latest detailed report on 20 May 2024, is particularly noteworthy. This ongoing communication with the ILO not only provides a clear picture of the country's progress but also signifies the Government's dedication to continuous improvement and adherence to international standards.

One of the standout elements of the Government's strategy is the establishment of the EO23 IAC. This initiative is a proactive step towards ensuring better coordination among various government agencies, thereby streamlining the processes of investigation, prosecution, and resolution of relevant cases.

The strengthening of partnerships with the CHR further exemplifies the Government's commitment to human rights. This partnership is crucial in providing assistance to victims and their families, thereby fostering a more just and humane society. The explanation also highlights the Government's efforts to foster tripartism and social dialogue, particularly through the establishment of tripartite bodies in ecozones and the conduct of multi-sectoral dialogues. These initiatives are vital in promoting a common understanding of freedom of association among all stakeholders, which is a cornerstone of democratic labour relations.

The operationalization and strengthening of tripartite monitoring bodies, along with the continuous engagement with sectoral partners, reflect a sustained commitment to improving labour conditions.

The development of a road map on freedom of association and the amendment of guidelines related to trade union rights are significant steps towards creating a more enabling environment for workers. Moreover, the Government's seriousness in addressing allegations of harassment and violence against trade unions is commendable. Lastly, the establishment of a Special Committee on Human Rights Coordination underscores the Government's holistic approach to human rights.

Overall, the Government of the Philippines today has provided us with a positive and detailed account of its commitment to upholding the Convention. The strategic initiatives, collaborative efforts, and transparent reporting mechanisms are commendable and indicative of a genuine dedication to improving labour conditions and protecting workers' rights.

Worker member, Canada – I speak on behalf of the Canadian Labour Congress, and the Australian Council of Trade Unions also aligns with this statement.

Seven years ago, the Philippines celebrated the ratification of Convention No. 151. The Philippines was the first Asian country to do so, marking the end of a nine-year campaign by the labour movement. However, freedom of association for public sector workers in the Philippines remains elusive.

The Committee of Experts has repeatedly highlighted the lack of full trade union rights for public sector workers.

Large sections of public sector workers are excluded from union membership. Workers hired as Job Orders or Contract of Service, as well as firefighters, prison guards, and others, cannot join or form unions.

Workers who are allowed to unionize still lack the rights to bargain collectively.

Elected labour representatives in the Public Sector Labor-Management Council are relegated to observer status and are barred from attending council meetings, despite the Council's mandate to regulate the exercise of government employees' right to self-organization.

Despite ratifying Convention No. 151 seven years ago, there is still no enabling legislation in place. The Public Sector Labor Relations Bill remains stalled in Congress. This Bill seeks to reform labour laws to address the Committee of Experts' long-standing observations and align national laws with Convention No. 151. Key reforms include: ensuring the right to organize and bargain collectively, for all government workers, including non-regular employees;

overhauling the labour adjudication system for public sector workers; and guaranteeing public sector union representation in policymaking.

The Government, despite being the largest employer, is the biggest violator of workers' constitutional right to security of tenure. According to the Presidential Communications Office, 29 per cent of the total government workforce, or more than 800,000 workers, are either contract-of-service or job order employees. The amended Executive Order No. 180 explicitly prohibits these employees from joining unions.

Approximately 300,000 Barangay Health Workers, who provide crucial community care, are not clearly classified as public or private sector workers. They lack sufficient support, remuneration, and training, making them one of the most vulnerable groups in the government workforce. Further, public sector trade unions still face red-tagging, threats, and harassment initiated during the Duterte administration.

The Philippine Government cannot claim to respect workers' rights unless it demonstrates a commitment to uphold the trade union rights of its own workers. Therefore, we strongly urge the Government to certify the Public Sector Labor Relations Bill as an urgent measure.

Government member, Tunisia – We welcome the delegation of the Government of the Philippines and express our appreciations for the information provided on the efforts of the Philippines to implement the requirements of the Convention and the recommendations of the Committee of Experts.

Tunisia appreciates the Philippines' full cooperation with the supervisory bodies of the ILO and its commitment to the resolution of the issues related to implementation of the Convention.

We particularly take note of the Government's continuous communication with ILO bodies and its effort to implement the recommendation of the HLTM.

We take good note of the measures undertaken by the Philippines and, in particular, through the establishment of an inter-agency committee to ensure better coordination across government agencies and the contact of multisectoral dialogue to promote a common understanding of freedom of association.

We also appreciate the Government's engagement to develop, in consultation with the social partners, a road map on freedom of association, and recommend to pursue this endeavour in a timely manner.

In view of the commitments made, my delegation congratulates the Philippines on the progress made and encourages it to continue its efforts to implement its national policy of enhancing freedom of association, taking into consideration the observations and conclusions of this Committee and the Committee of Experts.

Government member, United States of America – I speak today for the Workers of the United States and the United Kingdom.

Once again, this body is discussing the case of the Government of the Philippines' long-standing non-compliance with the Convention. We stand in complete solidarity with Filipino workers in their continuing struggle to exercise their right to organize trade unions free from violence and other forms of intimidation.

Last July, leaders from the Filipino trade union movement travelled to Washington DC to receive the AFL-CIO's 2023 George Meany-Lane Kirkland Human Rights Award for their bravery and courage to continue organizing in the face of red-tagging and other forms of violence.

During that visit they met with high level officials in the Biden Administration to highlight these egregious violations of workers' rights.

In 2021, US and Filipino trade unions co-filed a petition calling on the US Government to withdraw special trade preferences granted to the Philippines due to the Duterte Government's pervasive violations of workers' rights. This petition remains under review and we are sad to say that thus far the Marcos regime has not taken sufficient action to end red-tagging and the broader culture of impunity.

Indeed, at least two trade union leaders were killed in 2023 right after the HLTM. We demand full investigations into the murder of Alex Dolorosa and Jude Fernandez and do not accept the Government's contention that these heinous crimes were unrelated to their trade union activity.

Moving forward, we echo the demands of the workers' spokesperson and call on the Marcos administration to collaborate with social partners to finalize the road map on freedom of association, abolish the NTF-ELCAC, and elevate the Guidelines on freedom of association into an Executive Order to ensure full compliance by security forces.

In addition, we will continue to oppose further trade and commercial benefits for the Government of the Philippines until it addresses these serious violations of workers' rights.

Government member, Türkiye – First of all, we welcome the fact that the Government of the Philippines has submitted a total of nine regular and supplementary reports or replies since the date of its acceptance of the HLTM. It demonstrates that the Government is taking concrete steps to address the problems arising from the implementation of the Convention. We appreciate the Philippine Government's intention to continue to provide updated and verifiable information in a timely manner.

The Philippine Government has demonstrated a sincere commitment to the promotion and protection of the freedom of association by accelerating coordination and legal processes in the public sector through the establishment of the Inter-Agency Committee, strengthening the partnership with the CHR; establishing multidimensional social dialogue, infrastructural strengthening of tripartite monitoring bodies and it continues improvement of the Guidelines.

We appreciate the decisions taken by the Philippine legal bodies against red tagging and other violations to protect trade union freedoms.

The establishment of the Special Committee on Human Rights Coordination by the Presidential Order, with the aim of strengthening existing mechanisms for the promotion and the protection of human rights, in particular investigation and accountability, and continuing data collection initiatives on alleged crimes, should be acknowledged by the Committee of Experts as an important development.

Türkiye supports the Philippine Government's proactive and collaborative approach through the strengthening of tripartite bodies and the consultation process.

Membre travailleuse, Belgique – J'interviens au nom des travailleurs de France, des Pays-Bas et de Belgique.

Depuis 2014, les Philippines bénéficient du régime spécial d'encouragement (SPG+) de l'Union européenne (UE). Ce régime permet à ses bénéficiaires de profiter de suspensions totales des droits de douane pour des produits relevant d'environ 66 pour cent de l'ensemble des lignes tarifaires de l'UE. Il faut souligner que l'UE est le quatrième partenaire commercial le plus important des Philippines. Le total des échanges de l'UE avec les Philippines s'élevait en 2022 à 18,4 milliards d'euros.

Le SPG+ vise notamment à réduire la pauvreté et à créer des emplois sur la base de valeurs et de principes internationaux. Son bénéfice est dès lors conditionné à la ratification et au respect de 27 conventions internationales relatives aux droits humains, aux droits des travailleurs, à l'environnement et aux principes de bonne gouvernance, ce qui doit être salué. Parmi ces textes figurent les conventions fondamentales de l'OIT, dont la convention.

La Commission européenne assure le suivi de la mise en œuvre effective des conventions visées. Le bénéfice des régimes préférentiels peut être temporairement retiré en cas de violation grave et systématique des conventions.

En 2022 et 2023, le Parlement européen, le représentant spécial de l'UE pour les droits de l'homme et le sous-comité des droits humains du Parlement ont souligné des progrès très lents et une situation des droits humains toujours préoccupante. Ils pointent les exécutions extrajudiciaires, ainsi que le harcèlement, l'arrestation et la violence à l'encontre de journalistes, de défenseurs des droits humains et de syndicalistes. Ils estiment qu'il reste encore beaucoup à faire pour garantir la mise en œuvre effective de toutes les conventions, qui conditionne le bénéfice du SPG+.

Le rapport de la commission d'experts de cette année pointe également la persistance de graves violations des droits humains à l'encontre des syndicalistes.

Nous nous joignons à nos collègues des Philippines et regrettons qu'en dépit de la perpétuation de la violence et de l'impunité, et de l'absence d'une feuille de route convenue par les partenaires sociaux pour y mettre fin, les Philippines continuent de bénéficier du SPG+.

En mars 2024, l'UE et les Philippines ont officiellement annoncé la reprise des négociations en vue de la conclusion d'un accord de libre-échange.

Il est en fondamental que cet accord ne permette aucun recul par rapport au SPG+. Nous demandons d'inclure dans cet accord et, plus généralement dans les accords commerciaux, la condition de ratification et d'une mise en œuvre effective des conventions fondamentales de l'OIT.

Il est crucial d'assurer que des garanties suffisantes sont données par le gouvernement philippin afin d'attester de progrès réels, concrets et mesurables en matière de droits humains, de justice sociale et de démocratie.

Government member, Islamic Republic of Iran – The Islamic Republic of Iran welcomes the steps taken by the Government of the Philippines in addressing issues related to the application of the Convention. We acknowledge the Philippines' engagement with the ILO supervisory bodies including accepting the HLTM and providing regular reports to the Committee of Experts. The Islamic Republic of Iran recognizes the Philippines' demonstration of commitment through concrete actions aimed at implementing the ILO's recommendations. The establishment of an inter-agency committee, the strengthening of partnerships with independent human rights' bodies, the setting up of tripartite bodies in economic zones, the conduct of multi-sectoral dialogues and the operationalization of tripartite monitoring bodies are commendable efforts.

While recognizing the progress made, we encourage the Philippines Government to sustain its efforts in promoting social dialogue and strengthening tripartite mechanisms and creating an enabling environment for workers to freely associate and collectively bargain. Continued collaboration with all the stakeholders, including trade unions and civil society organizations, is crucial for achieving lasting progress.

Government member, Bangladesh – Bangladesh appreciates the Philippine Government for its cooperation with the ILO's supervisory bodies within the framework of the Special Examination Procedures in addressing the issues arising from the application of the Convention. We acknowledge that the Government has accepted the in-country HLTM. We would like to underscore that the Government has submitted a total of nine regular and supplemental reports or replies on the developments of accomplishments in the country's application of the Convention pursuant to the recommendations of the ILO. Bangladesh believes that these actions demonstrate good faith and commitment to implement the recommendations of the HLTM.

Bangladesh would also like to highlight that through the establishment of an Inter-Agency Committee, the strengthened partnership with the CHR, the setting up of tripartite bodies to foster tripartism and social dialogue in ecozones, and the conduct of multi-sectoral dialogue to promote a common understanding of freedom of association among stakeholders, the Philippine Government has shown a genuine and strong commitment to upholding and safeguarding freedom of association.

We have come to know that recently, the Government has approved the Omnibus Guidelines on the Exercise of Freedom of Association and Civil Liberties and Guidelines on the conduct of stakeholders relative to the workers' exercise of trade union rights. The Government has further strengthened tripartite monitoring bodies to promote common understanding of freedom of association. The Philippines is committed to investigate incidents of harassment and violence to ensure that perpetrators are brought to justice. Recent reports were investigated immediately, with some ongoing court proceedings under domestic criminal procedures.

As it has been reported, President Marcos issued Administrative Order No. 22, establishing a Special Committee on Human Rights Coordination to enhance existing mechanisms for the promotion and protection of human rights, particularly to sustain initiatives on investigation and accountability, data-gathering on alleged human rights violations by law enforcement agencies, and expanded civil space and engagement. This also provides us further assurances that the Government is on the right track and committed to ensure full implementation of the Convention. We encourage the Government to continue such pragmatic steps to close the case immediately.

Bangladesh urges this august forum to recognize the commitment of the Government and support its action to ensure more progress and the closure of the case.

Government member, Namibia –My delegation has taken note of the Committee's Report and welcomes the continuing efforts and concrete measures made by the Government of the Philippines to implement the recommendations of the HLTM. As a result of its commitment to the implementation of the recommendations of the HLTM, the following are actions taken by the Government:

- approval of the Omnibus Guidelines on the Exercise of Freedom of Association and Civil Liberties;
- strengthening of tripartite monitoring bodies;
- promotion of a common understanding of freedom of association;
- issuance of resolutions by the Supreme Court reinforcing protections against red-tagging and other violations;

- statement by the ATC reiterating its sole and exclusive authority to designate individuals or groups as terrorists under the Anti-Terrorism Act of 2020;
- issuance of Administrative Order No. 22 establishing a Special Committee on Human Rights Coordination.

We commend the Government for its assurance to upholding the principles of freedom of association and its willingness to work towards creating an environment that enables workers to freely associate and collectively bargain. At the same time, the Government is encouraged to continue safeguarding the right to freedom of association. We acknowledge the Government's pledge to investigate the allegations of killing and harassment of trade unions or their members and to ensure that the perpetrators are brought to justice.

In conclusion, we encourage the Government to continue implementing the outstanding issues and submit that all the efforts taken by the Government should be valued by the Committee in its conclusions.

Interpretation from Arabic: **Government member, Egypt** – We have taken note of the measures and procedures taken by the Government of the Philippines concerning the Convention. All these measures are concrete and tangible. Tripartite bodies were set up to enhance tripartite negotiations and an inter-agency committee also has been set up to ensure that there is coordination and to deal with pending issues.

The Government of the Philippines also set up a National Human Rights' Committee in accordance with the Philippines Constitution. This Committee is tasked with investigating violations and to provide assistance to victims and their families.

The Government also has helped tripartite bodies through provision of resources and this has led to the road map when it comes to freedom of association and the Guidelines that were put since 2011–12, have paved the way for the exercise of workers of their freedom of association. We would like to commend the Government for its efforts to ensure that there is a multilateral approach in dealing with this issue.

We note that the President of the Philippines has issued Decree No. 22, which relates to the enhancement of human rights' mechanisms including freedom of association and to look into investigation processes when it comes to extrajudicial killings and to ensure that there is the widest participation possible.

We would like to welcome the measures taken by the Government of Philippines which aims to fulfil the recommendations of the HLTM.

In conclusion, we would like to commend the Government for continuing to make these efforts and we encourage them to continue with this approach and we hope that this Committee will take all these measures into account when preparing its report.

Government member, Pakistan – We appreciate the measures taken by the Government of Philippines to enhance its overall engagement with ILO and express confidence that the constructive engagement between the parties would help address all issues under consideration amicably.

Pakistan has taken positive note of the Philippine Government's commitment to upholding and safeguarding freedom of association. We support the Government's ongoing efforts to foster collaboration and address concerns. This commitment is evident in the strengthened tripartite bodies, which play a vital role in investigating and resolving cases. We

acknowledge the steps taken by the Government of Philippines towards the implementation of the Convention within the ILO's tripartite framework.

Observer, Building and Woodworkers International (BWI) – On behalf of the BWI, ITF, IndustriALL and IUF, but most of all, as a Filipino concerned over the risks my brothers and sisters back home face from being a trade unionist, I want to make an intervention regarding the application of the Convention by the Government of the Philippines.

Since the HLTM, it has been recorded that 24 trade union leaders are still in jail on trumped-up charges, two of which were arrested after the mission; three new cases of abduction and a large number of representatives of SENTRO and other sectorial unions continue to be subjected to red-tagging, surveillance and profiling. In 2023, Alex Dolorosa was reported missing in April 2023, and his body was found days later with multiple stab wounds. Jude Thaddeus Fernandez was gunned down in September 2023. This leaves the total of killings to a minimum of 72 of my fellow trade unionists since the Duterte regime took office.

While under the new Government, there has been a decline in trade union killings and extrajudicial killings, the apparatus put in place by the Duterte regime are still intact and operating within a culture of impunity.

Finally, I want to highlight the most significant barriers for workers to exercise their trade union rights, the widespread use of contractualization. The Secretary of Labor continues to refuse to use its power, mandated by the Labor Code, to regulate all forms of precarious work arrangements, which is essential for allowing workers to fully exercise their constitutional rights to organise, collectively bargain, and strike. There are 23.5 million contractual workers across the sectors, and that is 47 per cent of the total workforce. The Secretary of Labor continues to refuse to regulate all forms of precarious work arrangements, which is essential for allowing workers to fully exercise their constitutional rights to organise, to bargain, and to take industrial action

Considering these ongoing realities, it is imperative that the Government immediately address and investigate labour rights violations, as well as implement effective reforms to protect the trade unionists in the country and the right of workers to organize.

Observer, Education International (EI) – I speak on behalf of the 32 million education workers represented by EI. Workers from France, Italy and Switzerland support this statement.

Teachers, like all public servants, need a commitment from public authorities to respect, promote and realize their rights at work, including their right to unionize without persecution and fear for personal safety.

However in the last year, the following teacher union leaders, from the ACT, have suffered surveillance and abductions. These are Rora Santiago, union coordinator in central Luzon, Eco Dangla, union coordinator in Pangasinan, Dyan Gumanao, union coordinator in Central Visayan, Erlinda Alfonso, union president in Cason city, and Raymond Basilio, the General Secretary of the ACT, who escaped abduction from a union meeting he was addressing in September last year in Padagyan.

All of them are alive, but they live under constant threat of surveillance, tailing and abduction. Police and military personnel also continue to visit schools to request list of names of union members and search for evidence when teachers are known to be unionized. Such military intervention into public schools aims at spreading unfounded accusations, the famous red-tagging and communicate hostility and fear among the school communities. This has resulted in teachers refraining from speaking out or joining unions. On 14 June 2023 last year,

when our ILO committee was still on, the National Department of Education released a memo requiring all educational regional offices to provide lists of all education union members.

This was the third time ACT was illegally profiled. The Committee of Experts note that on the extrajudicial killing of eight education unionists, the Government reported that four cases were still pending before the court, the prosecutor dismissed one case and three are still under investigation. We deeply regret the accountability is so slow for the killings of education union leaders dating from before 2020. Impunity must be eradicated and activists like trade union leaders must be protected, not harassed, abducted or killed.

Chairperson – There are no more requests for the floor. I now invite the Government representative of Philippines, to take the floor for his final remarks.

Government representative – First of all, I would like to thank all the speakers, both the speakers who made encouraging remarks, as well as the speakers who made critical remarks. All of this will be taken into account seriously by the Philippine Government. The Philippine Government, particularly the DOLE, regrets that it has been accused of misrepresentation. Therefore, my closing remarks will focus on setting specific facts straight.

First, on the status of the tripartite road map: there is an approved road map. I repeat that there is an approved road map that has been finalized after thorough tripartite consultations with no less than the ILO providing technical assistance in the process. This road map consists of many action points, many of which are now being implemented and some of which have seen the participation of both the employers and the labour sector. The point about the withdrawal of signatories to the road map is a matter that should be addressed to those who withdrew their signatures or who claim to have withdrawn their signatures because as far as the DOLE secretariat is concerned, there is no formal withdrawal of the signatories. So therefore, as a matter of course, we consider that the road map is a legitimate instrument which has been guiding us since the time it was adopted.

Second, on the issue of the MOA between the DOLE and the DTI, of which the labour sector particularly has pointed out was formulated without consultation with the sectoral partners. That is true, but if you read the MOA, it is an MOA between two government agencies setting the conditions or the preconditions for the implementation of a particular provision in the law creating the PEZA, which was enacted almost 30 years ago but which has never been implemented. This provision relates to a provision which requires that tripartite committees of industrial harmony shall be set up in the economic zones. So, what the MOA does is to lay down the procedure for setting up the economic zones from an administrative level but recognizing as well that the final decision to set up such a tripartite committee shall reside with the sectors themselves. It has been stated that in a particular economic zone, particularly Mactan economic zone, an ecozone tripartite committee was established without labour representation or without employer representation. Since it was the labour sector – it was a spokesperson from the labour sector which pointed this out – I would just like to manifest in this body that that ecozone has two labour sector representatives. I will name them for the sake of clarity. The first one is Carlito Vilia Gonzalo, who is a member of the TUCP, the second is Maria Christina Vistal, who is also a member of the TUCP. I think that that organization, an Associated Labour Union, have representatives in this body right now. So it is not true that there is no labour representation in the economic zone tripartite councils.

In the case of Manny Asuncion, it was mentioned that there was a demand that the case should be reopened, actually, the case remains open. What was done was to transfer the case to the investigators so that they can build up the case more properly in the investigation by the National Bureau of Investigations presently ongoing.

In the case of Jude Thaddeus Fernandez, this case was referred to the CHR and the initial evaluation of the CHR is that the identity of this person cannot be established with certainty because he appears to be not registered in our official registry of birth and when he was killed. He carried at least six identity cards, so the identity of this person is not yet established, much less, the union affiliation – or whether or not he is affiliated with any organization.

On the matter of legislation, the Government later laid its position that it stands ready to cooperate or to engage within the framework of the NTIPC to look more closely and revisit the legislation or the bills that have been previously filed in Congress.

The Committee has repeatedly noted, and we acknowledge that fact, that some of the bills, particularly the bills seeking to strengthen freedom of association and the right to organize, have been filed and refiled in various congresses.

We would like to revisit how those bills are designed or formulated. Perhaps there is a better way of formulating them so that they have a better chance of passing through legislation and in that regard, we will welcome the expertise of the ILO in providing guidance to that effort. With those remarks, as we say, the Philippines' Government rests its case.

Employer members – The case we have been listening to has a long history and it has developed over various stages and most importantly via the results of the tripartite mission and the subsequent Committee hearing last year, which created a very comprehensive framework of recommendations or implementation. High among which, was of course, the creation of the road map.

It seems to me, to enter the Employers, that the road map is at the heart of all this because it is the basic mechanism, the basic framework within which pretty much everything else takes place.

There are large number of issues to be resolved, there are large number of cases yet to be investigated and it is concerning that some of these things take far longer than many countries might deem reasonable. But, be that as it may, the important thing that we are hearing is that these things are not lost, they are not necessarily finished, but they are not lost.

What we would like to see of course is that these things are brought to a conclusion. It is heartening to see that there is a lot of work going on, but it is the finishing of that work, the results that are created by that work, that we would like to see more of, and in that regard, we would simply call upon the Governments to not only expedite the work that is set out in the framework from the recommendations of the HLTM and the road map, but also to put to bed the sorts of doubts that creep in when for instance, there are claims by some, that the road map did not have quite the agreement that it is purported to have. That doubt is itself not necessarily helpful, so taking into account what the Government has said about the status of the road map, it would be helpful for it to clarify internally with the social partners precisely what concerns there might be in relation to its status and so on, because I think that it is more important that the road map is in fact endorsed and embraced by all parties. Whatever the doubts are and whatever the legality of the status of those doubts, the existence of any such, really does need to be resolved because it is the platform in which it will bring all of these things forward.

We look forward to hearing from the Government in terms of providing information about the updates to those matters that I have raised and that have been raised here in time for them to be considered at the next hearing of this Committee in 2025.

Worker members – I thank all who have contributed to the discussion today. It has been good to see the deep interest in this very important case. What remains clear, however, is that extremely serious and systemic violations of the right to freedom of association in the Philippines remain unaddressed and continue apace under the new administration. These include threats and harassment, surveillance, and arbitrary detention and arrest of union members for their legitimate union activity. Red tagging remains a grave concern, in part due to the failure to revoke previous policies that encourage this practice, which affects union leaders throughout the country. Mechanisms to address impunity for anti-union violence and other violations of labour rights are woefully underfunded, understaffed and unsuccessful. They fail to either hold perpetrators accountable or provide any justice to the victims.

It is both concerning and disappointing that the Government has failed to consult with trade unions at all, and certainly not meaningfully, on a wide range of issues, and appears to have no plans to do so, as I noted in my opening intervention. It should go without saying that trade unions are an essential partner in addressing violations of freedom of association, and on finding a way forward to prevent the recurrence and to create an environment in which trade unions can flourish without fear.

We are also deeply troubled that the road map fails to enjoy the support of most trade unions. The Government must, as a matter of urgency, consult with trade unions to address their concerns and to find an agreed framework for moving forward in order to fully implement the recommendations of the 2023 HLTM.

Furthermore, to the extent that the MOA between the DOLE, the DTI and the PEZA impacts the exercise of trade union rights, the trade unions who are thus affected must also be consulted. And to these already significant concerns, we must of course add that there are several aspects of the Labour Code affecting workers in both the public and private sectors which have been identified as not being in line with the Convention by the Committee of Experts over the course of many years without any action in response by the Government. The bills before the legislature must become law.

It is this inaction, in the face of repeated supervision, that has brought this case once again to the Committee and why we are all here today. We fully expect the Government to comply with these recommendations, and to do so in full consultation with the social partners. We also urge the Government to accept the technical assistance of the Office in the implementation of legal and institutional reforms necessary to fully respect the Convention. This is in our view the surest way to avoid the case returning to our Committee.

For these reasons, we make the following recommendations: put an immediate end to acts of violence and intimidation against union members for the legitimate exercise of their rights under the Convention, as well as violations of freedom of association, in line with the recommendations of the HLTM; immediately undertake effective investigations into the allegations of violence in relation to members of workers' organizations with a view to establishing the facts, determining culpability and punishing the perpetrators; make the monitoring bodies fully operational, including by providing adequate resources; provide regular information on these mechanisms and on progress on the cases assigned to them; ensure that all workers, without distinction, are able to form and join organizations of their choosing; and address long-standing issues with the Law.

We urge the Government to finalize an agreed road map, in consultation with the social partners on effectively addressing all outstanding issues. We further urge the Government to accept an ILO technical mission to assist with the implementation of the conclusions of the

HLTM and the road map that will be adopted. We request that the Government transmit a report on progress made on these conclusions to the Committee of Experts.

Conclusions of the Committee

The Committee took note of the written and oral information provided by the Government and the discussion that followed.

The Committee noted the long-standing nature and the prior discussion of this case in the Committee, most recently in 2023.

The Committee deplored the new allegations of murders of trade unionists and anti-union violence, including red-tagging, since its previous discussion, as well as a lack of effective and expeditious investigations into these allegations.

The Committee noted with deep concern the ongoing, serious and systemic violations of the right to freedom of association in the country.

The Committee regretted that the social partners were not consulted in the drafting of EO23.

Taking the discussion into account, the Committee requested the Government, in consultation with the social partners, to:

- take immediate and effective measures, in line with previous recommendations of the Committee and the ILO High Level Tripartite Mission to put an immediate end to any violation of freedom of association, including threats and harassment, surveillance, arbitrary arrest and detention, and extra-judicial killings, against union members for the legitimate exercise of their rights under the Convention;
- undertake, without delay, effective and independent investigations into the new allegations of violence against members of workers' organizations and expedite those that are pending with regard to all allegations reported since 2015;
- take measures to ensure the effective prevention of any violence perpetuated in connection with the exercise of workers' and employers' organizations legitimate activities and ensure that such organizations can exercise their activities within the framework of a system which guarantees the effective respect of civil liberties and freedom of association rights;
- address as a matter of urgency all concerns relating to the status and content of the roadmap with the social partners and ensure their full participation in its monitoring and implementation;
- ensure the effective functioning of the monitoring bodies and provide regular information to the Committee of Experts in this regard;
- continue to promote comprehensive training activities, with a solid focus on freedom of association and collective bargaining, among government agencies with the help of ILO technical assistance;
- ensure that the Anti-Terrorism Act is not implemented so as to restrict legitimate union activities and related civil liberties contrary to the Convention;

- **ensure that the following legislative matters are promptly addressed with a view to bringing national legislation into conformity with the Convention as soon as possible: House Bills Nos 1152 and 4941; and**
- **ensure that all workers without distinction are able to form and join organizations of their choosing in accordance with Article 2 of the Convention.**

The Committee requested the Government, in consultation with employers' and workers' organizations, to submit a detailed report to the Committee of Experts by 1 September 2024 containing information on the implementation of the above measures and progress made in this regard.

Government representative – Thank you, Mr Chairperson for this opportunity given to the Philippine Government to comment on the draft conclusions. Let me start my comments on the preamble of the draft conclusions.

Paragraph 3 of the preamble of the conclusions refers to new allegations and alleged lack of effective and expeditious investigations into these allegations.

We take exception to this conclusion. While this paragraph does not specify what these new allegations are, we take it to mean that these include the case of Alex Dolorosa. As manifested in our submissions to this Committee and other supervisory bodies, the case has been promptly investigated, and it is now undergoing trial. We wish to emphasize that the reports and updates on this case, submitted to the supervisory bodies, were processed through the regional tripartite monitoring bodies, with the participation of the representative of the labour sector.

Paragraph 4 of the preamble speaks of the ongoing, serious and systemic violations of the right to freedom of association in the country. The Government registers its unequivocal protest to this statement as it depicts the Philippines as if it is in a state of lawlessness and chaos. This is not the case. It is to no one's interest, advantage or benefit – not to this Committee or to the ILO – to unduly tarnish the reputation and international standing of any country with such a sweeping, gratuitous and unfair statement.

Systemic allegations are violations of humanitarian law. If there is an allegation of such systemic nature, Republic Act No. 9851 provides for the judicial remedy to inquire into their factual basis of such allegation and provides the appropriate remedies and reliefs if such violations are established.

I will now go to the bullet points of the draft conclusions. On points 1 and 3, the Government has taken and continues to take immediate and effective measures to prevent violations of freedom of association and the right to organize. These have been reported to the supervisory bodies.

On point 2, investigative bodies have taken action and will continue to take proper action on the new allegations, as already reported to the supervisory bodies. The Government, through the tripartite monitoring mechanisms, will continue monitoring the progress of these cases and provide updates as appropriate.

As to old cases, the Government has closely monitored these cases and has been religiously submitting the relevant status reports and updates to the ILO supervisory bodies. We will continue to do so, and will take prompt and appropriate action, should new developments and new material evidence are discovered, to move forward the investigation and prosecution of these cases. We should also add that even the ILO's special examination

procedures recognize the difficulty of investigating and prosecuting cases that took place many years ago.

On point 4, we reiterate the fact that a Road map has been adopted through a resolution of the National Tripartite Industrial Peace Council. The Government appreciates and will take serious consideration of the recommendation in the draft conclusion to settle any issue on the matter through existing mechanisms within the country.

On the remaining points in the draft conclusion, the Government has taken measures and is committed to take additional measures as necessary and proper, to ensure the following:

1. The effective functioning of monitoring bodies, including provision of budgetary support for their operations.
2. Trainings and capacity-building activities towards promoting common understanding and respect on freedom of association and the right to organize, to include concerned government agencies and stakeholders.
3. The Anti-Terrorism Act shall not be used to undermine trade union rights, as in fact the Anti-Terrorism Council has, on 30 April this year, issued a memorandum to all agencies concerned, that the indiscriminate designation of individuals or organizations as terrorists or as lawless elements is prohibited and cannot be done except upon substantive grounds, after observance of due process, and with full respect to fundamental civil rights and liberties.

Finally, the Government, with its social partners, will continue to work with the ILO and benefit from its knowledge and expertise to address the issues raised in a constructive manner based on verifiable facts that is fair for everyone concerned.