

Session 6

FOA for State Security Forces and the Conduct of Security Forces in the Exercise Freedom of Association





Session snapshot

Session 6

Session 6 has two parts:

1. Application of FOA for the Armed Forces of the Philippines (AFP) and the Philippine National Police (PNP)
2. Conduct of AFP, PNP, other Philippine security forces in the public and private sectors, and key government agencies in the exercise of workers' freedom of association, particularly the right to strike and other trade union activities



► Session 6

This session also further highlights:

- institutional roles and responsibilities of these security actors are contained in the 2024 Omnibus Guidelines on the Exercise of Freedom of Association and Civil Liberties
- functions and extent of jurisdiction of NTF-ELCAC.



Estimated
duration:

90 minutes



Required materials:

Usual presentation equipment
and accessories





Facilitator's guide points

Facilitator's guide points



1. Introduce Session 6 with remarks that it is divided into two parts. The first focuses on the limitations in the exercise of FOA *by public security forces themselves*, particularly the AFP and the PNP. The second part meanwhile tackles the conduct of AFP, PNP and other security actors in the public and private sectors *when FOA is being exercised by workers*, particularly the right to strike and other concerted actions. Use the Overview content in further providing information about the session.



2. Proceed to the session proper and share the learning objectives with the participants. Deliver the session, anticipating an interactive exercise at the end of the session.





3. Use the Discussion Notes as provided covering the:

- ▶ FOA Restrictions for AFP and PNP
- ▶ Conduct of Security Forces in the Exercise of FOA by Workers (based on the 2024 Omnibus Guidelines on the Exercise of FOA and Civil Liberties)
- ▶ Reporting and Remediation of Violations of the 2024 Omnibus Guidelines



4. Conduct Activity M2-2 (Green Light or Red Light?), which aims to assess participants' understanding of the nature, extent and restrictions in the conduct of various security forces in the exercise of FOA by workers, particularly the right to stike and other trade union activities.



Facilitator's guide points



5. Be mindful of the Key Learning Points as internal guide on messaging.



6. Occasionally engage participants, including by asking them if they have any questions or comments. Check if they can follow the discussion from time to time.



7. Conduct the quick recap exercise at the end of the session.





Learning objectives



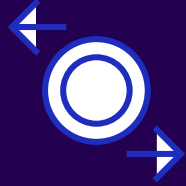
Restrictions

Identify the **restrictions on the application of FOA for AFP and PNP, particularly the right to organize**



Roles of various groups of security forces

Determine the **respective roles and extent of operations of various stakeholders** based on the 2024 Omnibus Guidelines on the Exercise of FOA and Civil Liberties (Joint Memorandum Order No. 1, series of 2024)



Understand the **importance of restrictions/limitations on the use of legitimate force** particularly in relation to the conduct of trade union activities and resolution of labour disputes



Explore some administrative remedies available in case of violations of any provisions under the 2024 Omnibus Guidelines



Key learning points



Art. 9 ILO C87 - The extent to which the guarantees provided for in this Convention shall apply to the armed forces and the police shall be determined by national laws or regulations.

EXCEPT civilian workers in the military and police as well as workers in private security firms and in the security services of civil aviation companies



Regulation and supervision of trade union activities and resolution of labour disputes, including in economic processing zones, is the sole jurisdiction of DOLE.



But intervention by various security actors may be needed under allowable circumstances and to the extent deemed necessary and proportionate to the given situation.



It is important for the various groups of security forces to be aware of and truly understand

the scope of their functions and the limitations to their jurisdictions

as they relate to the exercise of labour rights such as FOA and related human rights in order to avoid infringements or abuses.



Definition of key terms



Concerted actions

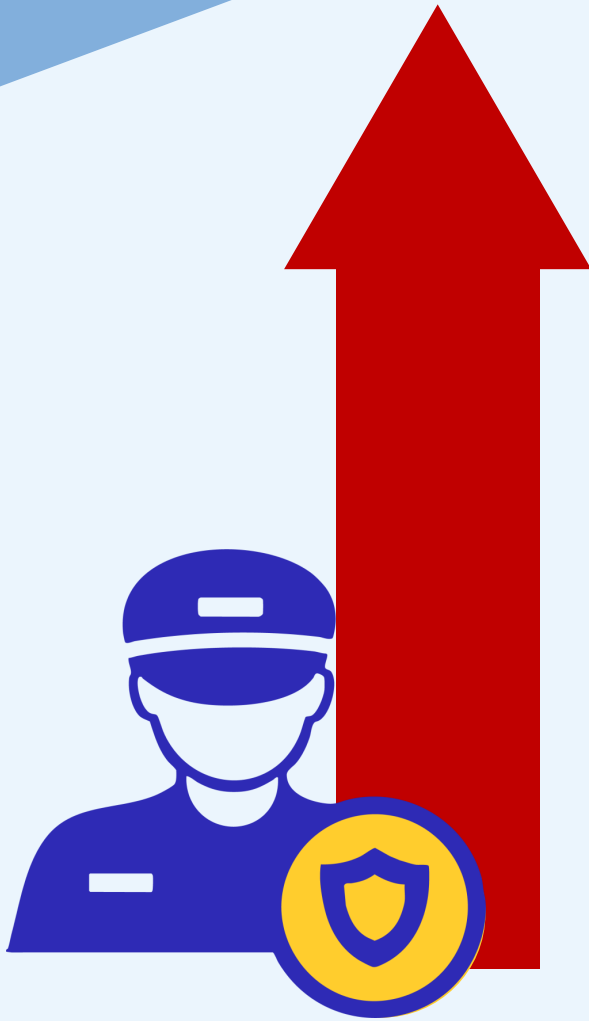
Refer to activities undertaken by two or more persons arising from a labour dispute or from the exercise of constitutionally guaranteed rights and freedoms in accordance with law (*Part IV(4), 2024 Omnibus Guidelines*)



Terrorist

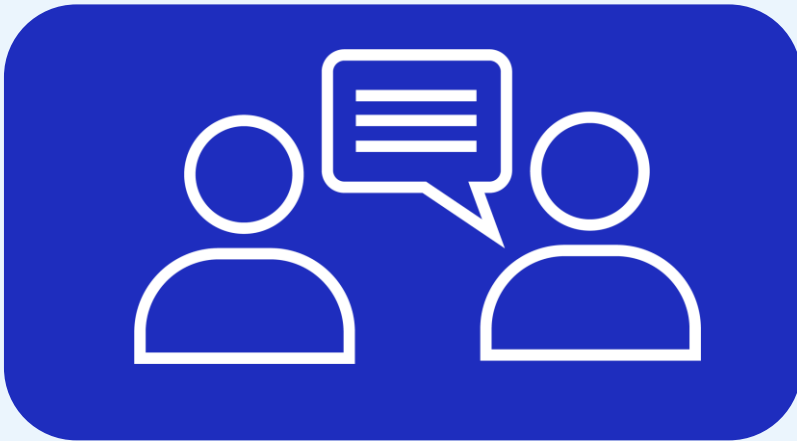
Labeling

Refers to the act of accusing, denouncing, attacking or persecuting any individual or organization as a communist, terrorist or sympathizer without legal basis and due process of law (*Part IV(9), 2024 Omnibus Guidelines*)



Maximum tolerance

Means the highest degree of restraint that the military or other peacekeeping authorities shall observe during a public assembly or in the dispersal of the same
(Part IV(16), 2024 Omnibus Guidelines)



Labour dispute

Refers to any controversy or matter concerning terms and conditions of employment or the association or representation of persons in negotiating, fixing, maintaining, changing, or arranging the terms and conditions of employment, regardless of whether the disputants stand in the proximate relation of employer and employee (*Part IV(10), 2024 Omnibus Guidelines*)



Labor education

Refer to the teaching of basic knowledge on labour rights and other skills relating to negotiation, labour-management relations, labour dispute resolution and other labour and employment-related concerns (*Part IV(11), 2024 Omnibus Guidelines*)



Lockout

Means the temporary refusal of an employer to provide work as a result of an industrial or labour dispute (*Part IV(15), 2024 Omnibus Guidelines*)



Other security personnel

Includes the following: barangay tanod/barangay public safety officer; IPA police; IPA security guard; and private security guard or security officer (*Part IV(24), 2024 Omnibus Guidelines*)



Picketing

Means the right of workers to freedom of expression, peaceful assembly, and concerted actions consisting of the marching to and from before the premises of an establishment involved in a labour dispute, generally accompanied by the carrying and display of signs, placards or banners with statements relating to the dispute, in accordance with law (*Part IV(19), 2024 Omnibus Guidelines*)



Strict neutrality

Refers to the approach the law enforcement officers, police officers, security personnel and other peacekeeping authorities shall observe in responding to a request for assistance which requires responding officers to consider the positions of all parties involved without favor, and avoiding the manifestation of any preference, whether overt or latent. *(Part IV(23), 2024 Omnibus Guidelines)*

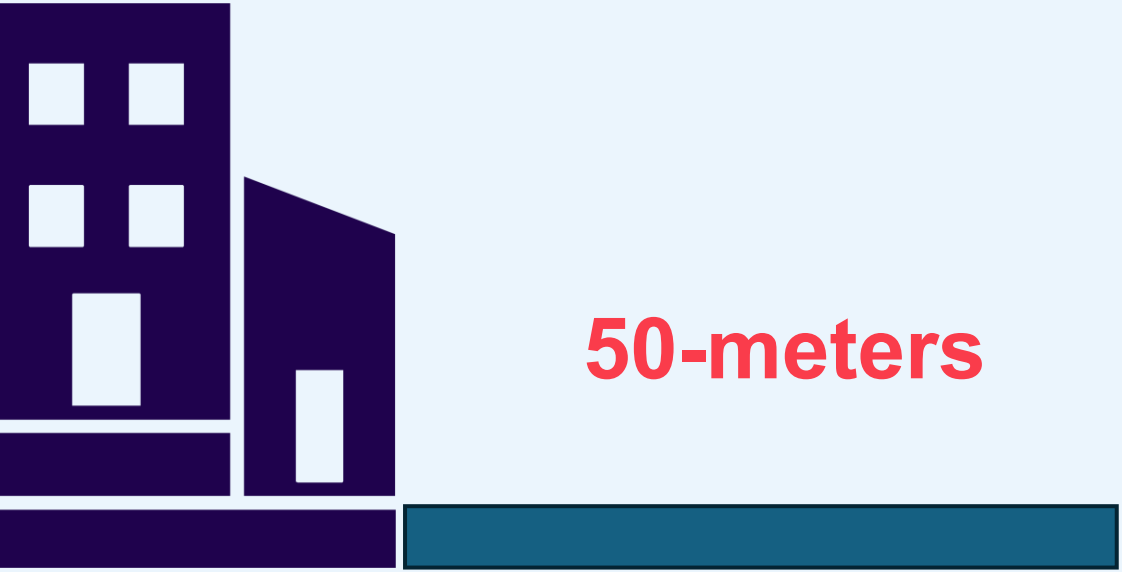


Strike

Means any temporary stoppage of work by the concerted action of the employees as a result of an industrial or labour dispute (*Part IV(25), 2024 Omnibus Guidelines*)

Strike-bound area

Refers to the 50-meter radius from the establishment, warehouse, depot, plant or office, including any site or premises used as runaway shop of the employer struck against, as well as the immediate vicinity actually used by striking or picketing workers in moving to and from all points of entrance or exit of said establishment, warehouse, depot, plant or office (*Part IV(26), 2024 Omnibus Guidelines*)

A diagram illustrating the concept of a strike-bound area. On the left, there is a stylized purple building with several white rectangular windows. To the right of the building, a red horizontal line extends across the page. Below this line, a teal horizontal bar is shown. The text '50-meters' is written in red, positioned above the teal bar, indicating the radius of the strike-bound area.

50-meters



Session proper

Session 6



Freedom of Association as it Applies to State Security Forces



Conduct of Security Forces in the Exercise of FOA by workers



Reporting and Remediation of Violations of Guidelines

Freedom of association as it applies to state security forces



Freedom of Association as it Applies to State Security Forces

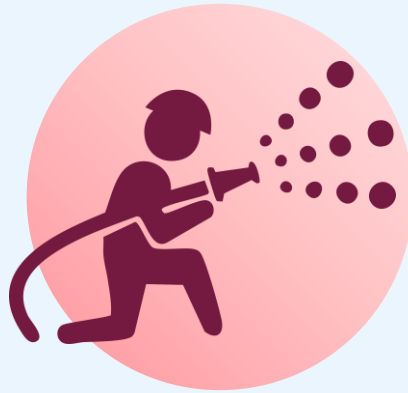
- ▶ Freedom of association (FOA) generally **applies to all types and categories of workers at all levels, the CEACR** made exception for State's security forces.
- ▶ such an exception deals with the responsibility of these security forces for the **external and internal security of the State** which can be jeopardized in the event that the rights related to FOA are exercised by them



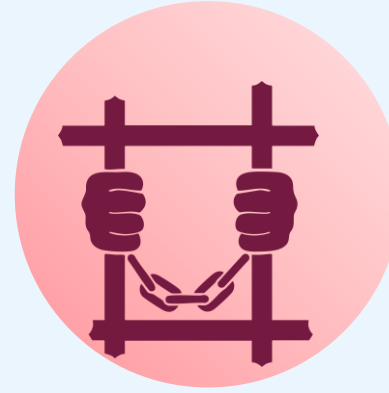
FOA applies to all categories of workers, with distinctions for State security forces **EXCEPT:**



**Civilian
personnel in the
armed forces;**



**Fire service
personnel;**

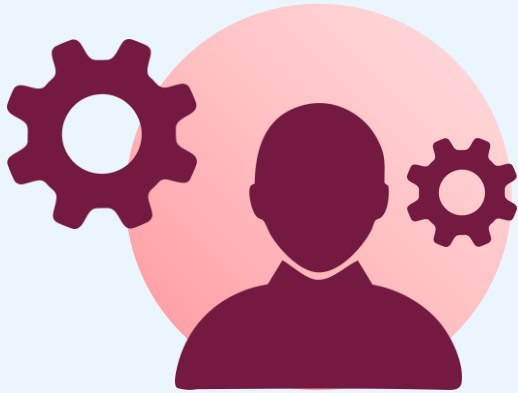


**Prison
staff;**



**Customs and
excise officials;**

FOA applies to all categories of workers, with distinctions for State security forces **EXCEPT:**



**Civilian employees in
the industrial
establishments of the
armed forces;**



**Civilian employees
in the intelligence
services**



**Employees of the
legislative
authority**

Freedom of Association Restrictions for AFP and PNP



- Furthermore, in view of the CEACR, **the exception does not also automatically apply to all employees who may carry a weapon** in the course of their duties, who cannot *a priori* be excluded from the scope of the Convention 87.



Activity

The Limits of Power



	Primary Authority	Secondary Authority (with Conditions)	Supportive, Non-Operational Role	Restricted Actors (No Authority to Intervene in Labor Disputes)
Agency / Office				
Authorized to:				
Prohibited from:				

The Limits of Power

- ▶ Agencies will be assigned to each group:
 - ▶ Group 1: DOLE
 - ▶ Group 2: DILG / BGRY TANOD / SECURITY GUARDS
 - ▶ Group 3: DOJ
 - ▶ Group 4: DND
 - ▶ Group 1: DTI
 - ▶ Group 2: AFP
 - ▶ Group 3: PNP
 - ▶ Group 4: NSC/NTF-ELCAC

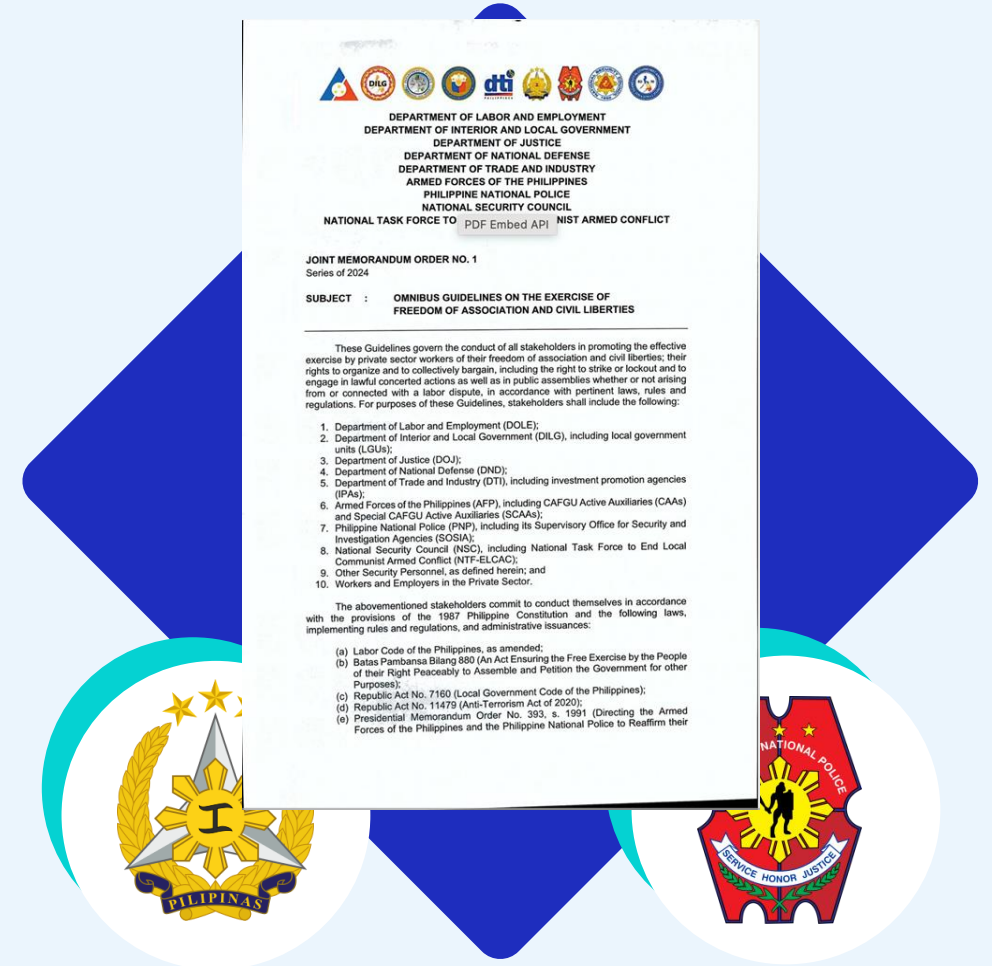
Instructions:

- ▶ Understand the hierarchy of authority among government actors.
- ▶ Identify Do's and Don'ts per agency.
- ▶ Analyze and respond to practical scenarios based on real-life dilemmas.

Conduct of Security Forces in the Exercise of FOA by Workers

Conduct of Security Forces in the Exercise of FOA by Workers

- ▶ governed by **Joint Memorandum Order No. 1, s. 2024**, or the Omnibus Guidelines on the Exercise of Freedom of Association and Civil Liberties



Conduct of the **DILG** and **PNP** relative to the exercise of worker's freedom of association and right to organize, collective bargaining, concerted actions and other trade union activities



- ▶ should refrain from directly involving themselves in legitimate trade union activities
- ▶ should refrain from in direct engagements with trade unions on civilian matters and within the realm of legitimate trade union activities falling under DOLE's mandate

Conduct of the DILG and PNP relative to the exercise of worker's freedom of association and right to organize, collective bargaining, concerted actions and other trade union activities



[DILG] Should ensure the LGUs' compliance with the principles of FOA and civil liberties through:

- ✓ mandating labour education and training programs using modules jointly developed with DOLE for LGU officials and personnel on workers' rights including FOA
- ✓ establishing mechanisms for monitoring and accountability among LGUs
- ✓ encouraging LGUs to provide logistical and administrative support for workers' organizations in exercising their rights, such as facilitating venues for meetings

Conduct of the DILG and PNP relative to the exercise of worker's freedom of association and right to organize, collective bargaining, concerted actions and other trade union activities



[DILG and LGUs] Should not directly intervene in labour disputes and instead seek assistance from DOLE, including requests for PNP assistance



[PNP] Should limit its involvement during strikes, pickets, lockouts and other concerted actions to the maintenance of peace and order, the enforcement of laws and the implementation of legal orders of duly constituted authorities

Conduct of the DILG and PNP relative to the exercise of worker's freedom of association and right to organize, collective bargaining, concerted actions and other trade union activities



NOTE: For situations related to a criminal act or violence, the PNP should inform DOLE of such situations to ensure restoration and/or maintenance of peace and order, at which point DOLE may assess the need for continued assistance from PNP.

[PNP] Should not intervene in labour disputes, except:

- ▶ when expressly requested in writing or through the use of ICT by the DOLE through its Regional Offices
- ▶ when a criminal act has been committed, is being committed, or is about to be committed through overt acts, in accordance with Rule 113 of the Revised Rules of Criminal Procedure, whether or not it arises out of labour dispute when there is actual violence arising out of labour dispute
- ▶ where there is actual violence arising from labour dispute

Conduct of the **DILG** and **PNP** relative to the exercise of worker's freedom of association and right to organize, collective bargaining, concerted actions and other trade union activities



- ▶ [PNP] Should observe the following conditions in the deployment and operations of a peacekeeping team or Civil Disturbance Unit as requested in writing by DOLE:
 - ▶ Should stay at least 50-meter radius away from the strike, picket or lockout area
 - ▶ Should at all time be in their prescribed civil disturbance management uniform and with properly displayed nameplates, observing the following:

Conduct of the DILG and PNP relative to the exercise of worker's freedom of association and right to organize, collective bargaining, concerted actions and other trade union activities



- ▶ respect human rights and dignity and observe strict neutrality
- ▶ respect the constitutional guarantees on the rights to life, liberty, security, and to due process as well as the right to be secure from unreasonable searches and seizures and illegal arrests and detentions
- ▶ ensure a gun-free strike-bound area, without deadly weapons, explosives and other incendiary or similar devices
- ▶ exercise maximum tolerance at all times in responding to a conflict, dispute, or incident, particularly when faced with a request to disperse a concerted action of the workers

Conduct of the DILG and PNP relative to the exercise of worker's freedom of association and right to organize, collective bargaining, concerted actions and other trade union activities



- ▶ not deliberately inflict any physical harm upon strikers and/or picketers or any person involved in the strike, picket, lockout or concerted action
- ▶ immediately activate a special investigation task group to conduct an in-depth investigation in case of death serious physical injury or incapacity of any labour leader or member of the organization involved in the strike, picket, lockout or concerted action
- ▶ not fraternize with any of the parties involved in the dispute, and not accept any invitation from any management personnel or union official or personnel involved in the dispute, unless with proper clearance from DOLE

Conduct of the DILG and PNP relative to the exercise of worker's freedom of association and right to organize, collective bargaining, concerted actions and other trade union activities

▶ **[PNP] Should respect, protect and advance workers' rights and civil liberties relative to the conduct of PNP operations by:**



- ▶ not labeling workers' organizations/associations, labour leaders, members or organizers as front or members of certain conflict armed group/s
- ▶ not holding or assisting in any manner whatsoever in the conduct of information drives or seminars, especially during the 60-day freedom period until the actual conduct of certification election, to dissuade workers from organizing a union or participating in a certification election, or from voting or supporting a specific trade union organization
- ▶ not inviting workers, organizers, or union officials to extract information on their alleged links or support to certain armed group/s, except in furtherance of criminal investigations
- ▶ not forcing them to renounce membership in their trade union organization

PNP and LGUs (through the DILG)



- ▶ [PNP] Should coordinate with DOLE and/or its appropriate agencies in the service of the order or writ issued by courts or other duly constituted authorities in relation to or arising out of labour disputes
- ▶ [DILG via PNP] Should develop and conduct information dissemination and learning sessions on matters of securing the sovereignty of the State and the integrity of the national territory
- ▶ Should not conduct search or arrest arising from a labour dispute unless made through a valid court warrant

Conduct of AFP relative to the exercise of workers' freedom of association and the right to organize, collective bargaining, concerted actions and other trade union activities.

- ▶ Should refrain from directly involving themselves in legitimate trade union activities and in direct engagements with trade unions on civilian matters and within the realm of legitimate trade union activities falling under DOLE's mandate



AFP

01

Should not intervene in labour disputes, except in the following cases:

- ▶ when there is an absence and/or lack of appropriate law enforcement agencies (upon the written request by DOLE and on stand-by basis only until the arrival of appropriate law enforcers)
- ▶ when there is actual violence in the vicinity of the strike, picket, lockout or other concerted action or there is a general breakdown of public peace and order (for the main purpose of preventing violence from escalating)

AFP

02

Should exercise maximum tolerance in (in case of necessary intervention)

- ▶ maintaining or restoring peace and order within the community/general vicinity of the labour dispute area
- ▶ providing security for both workers and management
- ▶ preventing violence or escalation of ongoing violence

NOTE: The AFP personnel/units should be 50-meter radius away from the strike, picket or lockout areas (unless no law enforcers are present)

AFP

02

Should exercise maximum tolerance in (in case of necessary intervention)

- ▶ **preventing the commission of other crimes**, the nature of which is not related to the labour dispute on hand
- ▶ **providing emergency assistance** during post-incident situations
- ▶ **Should limit its support to PNP and other law enforcement to providing assistance in the maintenance of peace and order**, the enforcement of laws, and the administration of justice only when deputized by appropriate authorities.

NOTE: Deployment of military personnel such as CAFGU Active Auxiliaries and Special CAFGU Active Auxiliaries is strictly prohibited.

AFP

03

Should exercise maximum tolerance in (in case of necessary intervention)

- ▶ Should not take sides in the labour dispute, exercising strict neutrality and non-partisanship and operating only for the purpose or upholding State security
- ▶ Should set deployment parameters to be time-bound, area-bound and mission bound, in coordination with DOLE and PNP
- ▶ Should timely relate information of reports of possible threats of violence within the labour dispute area to DOLE, PNP, and the parties to the labour dispute
- ▶ Should always respect and protect human rights and comply with/adhere to international human rights law and the rule of law

AFP

03

Should exercise maximum tolerance in (in case of necessary intervention)

- ▶ Should not take sides in the labour dispute, exercising strict neutrality and non-partisanship and operating only for the purpose or upholding State security
- ▶ Should set deployment parameters to be time-bound, area-bound and mission bound, in coordination with DOLE and PNP
- ▶ Should timely relate information of reports of possible threats of violence within the labour dispute area to DOLE, PNP, and the parties to the labour dispute
- ▶ Should always respect and protect human rights and comply with/adhere to international human rights law and the rule of law
- ▶ not forcing them to renounce membership in their trade union organization

AFP

04

Should respect, protect and advance workers' rights and civil liberties relative to the conduct of AFP internal peace and security operations by:

- ▶ Should set up AFP detachments/patrol bases in relation to labour disputes or exercise of trade union rights under specific conditions:
- ▶ with prior coordination with DOLE and only to address an actual security situation subject to dismantling when such a situation no longer exists

AFP

04

Should respect, protect and advance workers' rights and civil liberties relative to the conduct of AFP internal peace and security operations by:

- ▶ receive or engage in a dialogue with DOLE to ensure protection and respect of trade union rights and workers' civil liberties, non-interference in trade union campaigns, and non-engagement in labeling
- ▶ Should coordinate with DOLE and/or its appropriate agencies in the service of the order or writ issued by courts or other duly constituted authorities in relation to or arising out of labour disputes
- ▶ Should develop and conduct information dissemination and learning sessions on matters of securing the sovereignty of the State and the integrity of the national territory

Conduct of NTF-ELCAC



- ▶ Implements policies, plans and programs to address internal disturbances, tensions, conflicts and threats arising from the communist insurgency and its root causes
- ▶ Recognizes DOLE's exclusive mandate of implementing and executing the policies, laws and regulations on trade unionism principally found in the Constitution, the Labor code and its implementing rules, and the ILO Conventions 87 and 98
- ▶ as well as formulating and implementing labour education programs to promote the free and responsible exercise of FOA and the rights to self-organization and collective bargaining by workers and employers

Conduct of NTF-ELCAC



- ▶ Should ensure the involvement of DOLE in developing and implementing all its social and community programs and services for workers
- ▶ [With NSC] Should disseminate information on programs and services relative to ensuring sustainable and inclusive peace

Conduct of other Security Personnel Relative to Other Security Personnel Private Security Personnel



- ▶ Should not intervene in labour disputes and engage only in the protection of interests and property of the employer, including company premises
- ▶ Should not carry firearms in case of direct confrontation with strikers, marchers or demonstrators (at best may carry only night sticks or *batuta*)
- ▶ Should avoid direct contact with strikers, physically or otherwise
- ▶ Should stay only within the perimeter of the area which they are protecting

Other Security Personnel

Private Security Personnel



- ▶ Should observe strict neutrality in responding to a request and in dealing with the parties involved
- ▶ Should respect the rights of workers to exercise their rights to FOA, expression, and to engage in peaceful concerted actions
- ▶ Should apply maximum tolerance in the exercise of measures necessary to overcome the risk or danger posed in the strike area

Other Security Personnel

Private Security Personnel



- ▶ Should refrain from abetting or assisting acts of management leading to physical clash of forces between labour and management (e.g., breaking of the strike, smuggling in of scabs, and preventing strikers from conducting peaceful pickets)
- ▶ Should not dismantle picket shanties and tents nor confiscate placards
- ▶ Should be in complete uniform with their names and agency's name shown on their shirts above the breast pockets

Other Security Personnel

Private Security Agencies/Company Security Force Chief Security Officers



- ▶ Should collect all firearms of the guards in direct or about to have a direct confrontation with the crowd and deposit these firearms in their vault
- ▶ Should account for all the firearms in a logbook
- ▶ In case there is no detachment commander or security director, the agency operator or security officer, Should immediately assess the situation and take appropriate action to forestall violence.

Other Security Personnel

Private Security Agencies/Company Security Force Chief Security Officers



- ▶ Should maintain constant contact with the management and, as applicable, report any unlawful acts
- ▶ Should not negotiate with strikers or crowd in relation to the labour-management dispute

Other Security Personnel

**Private Security Agencies/Company Security Force Chief
Security Officers**



- ▶ Should advise the management to request DOLE for PNP security assistance if the situation worsens
- ▶ Should publish emergency telephone numbers (police, fire, hospital) at all guards' posts and detachments

Other Security Personnel

Inter-relationship between Private Security Personnel and members of PNP



- ▶ Private security personnel are always in subordinate to members of the PNP
- ▶ Private security cannot enforce any provision of the law except in executing citizen's arrest. The arrested person should be turned over to PNP.
- ▶ Criminal investigation is the primary responsibility of the PNP. All initial investigation should be turned over to PNP.

Other Security Personnel Barangay Tanod/ BPSO

- ▶ Should not intervene in labour disputes
- ▶ Should only assist in the maintenance of peace and order as may be required by the authorities
- ▶ As for the conduct of other government agencies covered in the Omnibus Guidelines, the following are some of the minimum expectations.

DILG



- ▶ Should refrain from directly involving themselves in legitimate trade union activities as well as indirect engagements with trade unions on matters that are civilian in nature and which fall under the mandate of DOLE
- ▶ Should ensure the LGUs' compliance with the principles of FOA and civil liberties (sample initiatives can be found in Part VI(2) of the Guidelines)

DILG



- ▶ Should not directly intervene in labor disputes and, through local chief executives (LCEs) or their authorized representatives, should seek assistance from the DOLE to settle any labor dispute in their respective LGUs
- ▶ Should be responsible for the development and conduct of information dissemination and learning sessions pertaining to law enforcement, maintenance of peace and order, and the operations of PNP, security agencies and security personnel

DOJ:

Cases and complaints that require DOLE clearance



- ▶ Investigating prosecutor a clearance from DOLE and/or the Office of the President
- ▶ Cases may include those with allegations of violence, coercion, physical injuries, assault upon a person in authority and other similar acts of intimidation, obstructing the free ingress to and egress from a factory or place of operation of the machines of such factory or the employer's premises

DOJ: Cases/ complaint that do not require DOLE clearance:



- ▶ cases or complaints arising out of or related to a labor dispute involving violations of general labor standards which do not arise from the exercise of FOA/CB.
- ▶ cases or complaints involving employers and workers which do not arise from the exercise of FOA/CB.

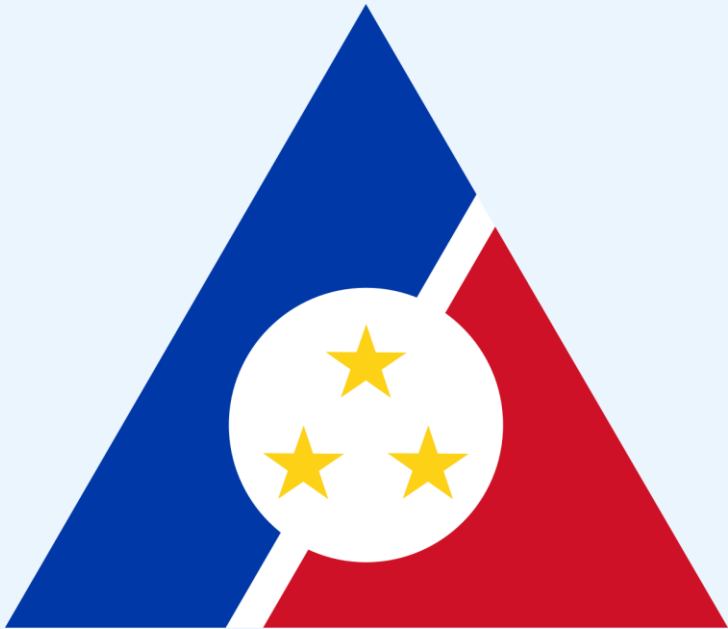
Conduct of Investment Promotion Agencies Relative to the IPAs (Investment Promotion Agencies)

- ▶ responsible for ensuring peace and order within economic zones
- ▶ In coordination with DOLE, may request the assistance of the PNP to augment the capability of the IPA police for the maintenance of peace and order during labor disputes
- ▶ IPA Police and Security Guards may be formed and shall likewise observe the conditions governing the PNP except the 50-meter radius distance

Conduct of Investment Promotion Agencies Relative to the IPAs (Investment Promotion Agencies)

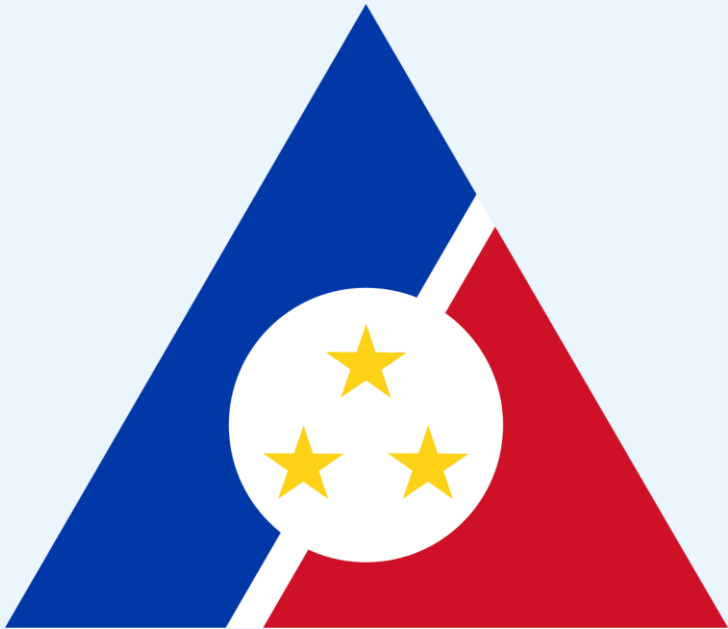
- ▶ observe principles of strict and maximum restraint to prevent violence and escalation of actual violence
- ▶ Shall implement programmes and activities on labour-management education, including FPRW

DOLE



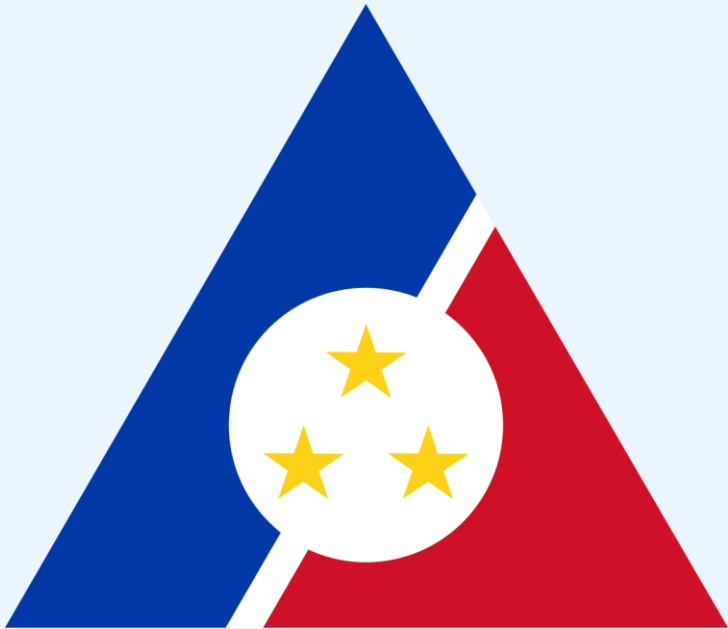
- ▶ May **convene the heads or representatives of the concerned LGU, IPA, PNP or AFP unit, or other security units**, and the local tripartite peace council in the event of an imminent or actual strike, picket, lockout or other concerted action with high probability of threatening public peace, order and security; take the lead in opening and maintaining lines of communication among them and in maximizing all avenues to peacefully settle the differences between the disputing parties; and secure the commitment of all stakeholders in respecting each other's rights and obligations and in resolving the threat to public peace, order and security

DOLE



- ▶ Should **remain in the vicinity of the strike, picket or lockout area where one occurs, to ensure that the Guidelines is observed**, until a guarantee of peaceful situation is reached with the parties' agreement
- ▶ Should **ensure that any request for assistance from the LCEs, IPAs, workers and employers is coursed** through it during a labor dispute

DOLE



- ▶ Should service lawful order or writ through the **duly authorized representative and/or sheriff, after coordination and dialogue with the leaders of the workers and representatives of the management** (with explanation on the content and the possible consequences for defiance of such order or writ), coordination with PNP (if violence is imminent), and coordination with IPA unit (in economic zones and freeport areas)

DOLE



- ▶ Should, through the Offices of the DOLE Undersecretary for Labor Relations and of the Regional Directors, **provide for national and regional focal points and serve as channels for reporting grave violations of FOA and the right to organize** as well as violations or instance of non-observance of the 2024 Omnibus Guidelines (*see next discussion point for a few more details on the reporting and remediation of violations of the Guidelines*)

DOLE



- ▶ Should **act as Secretariat to the NTIPC-MB and RTMBs** (which, in turn, should monitor and document the implementation of the Guidelines, including reports of violations or non-observance)
- ▶ Should **act as Secretariat to the IAC established pursuant to EO 23, s. 2011**

Reporting and Remediation of Violations of Guidelines



International
Labour
Organization

Module 2-Session 6: FOA for AFP and PNP and the conduct of security forces in the exercise of FOA by workers

Reporting and Remediation of Violations of Guidelines

Figure 1. Incident Report Form under the Omnibus Guidelines on FOA

Reports can be mainly filed at the proper DOLE Regional Office using the reporting template attached to the Guidelines, supported by all evidence necessary to substantiate such reports.

FOA Incident Report Form No. 1-2023

Republic of the Philippines
Department of Labor and Employment
Regional Office No. ____

INCIDENT REPORT FORM
(Omnibus Guidelines on the Exercise of
Freedom of Association and Civil Liberties)

Complainant/s <i>(Use a separate sheet if necessary)</i>				
Name	Organization	Sex	Age	Address/Contact Information
1.				
2.				
3.				
4.				
5.				

Respondent/s <i>(Use a separate sheet if necessary)</i>				
Name	Office	Sex	Age	Address/Contact Information
1.				
2.				
3.				
4.				
5.				

Date and Time of Commission: _____

Place of Commission: _____

Facts of the case: *(Narrate the specific acts or omissions constituting a violation of the Guidelines. Please attach available evidence. Use a separate sheet if necessary.)*

(Signature over printed name)

To be accomplished by DOLE personnel

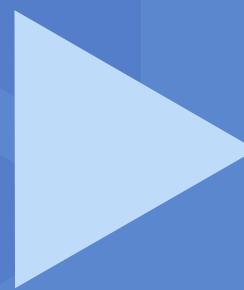
Incident Report Form No. *(Region-Number-Year)*: _____
Date and time received: _____
Receiving staff: _____

25



ACTIVITY

MECHANICS



Activity M2-2. Green Light or Red Light?



Methodology

Green Light or Red Light? is a simple and straightforward activity that allows participants to assess and explain why a certain situation indicates compliance with or violation of established standards and practices. In this context, the activity is used to identify scenarios to be compliant with or violative of existing policies on the conduct of security forces relative to the workers' exercise of FOA and related labour and human rights.

Activity M2-2. Green Light or Red Light?



Timing

This activity is subsumed under Session 6 so it can be immediately introduced right after the interactive discussion on the expected roles and boundaries of various groups of security forces as they make presence in trade union activities including resolution of labour disputes. It is intended to be done in plenary and as a quick activity before the next session.

Activity M2-2. Green Light or Red Light?



Mechanics

1. Distribute one green light-red light material to each participant (*the organizer/facilitator should have prepared the materials ahead*).
2. Flash and read hypothetical scenarios on the screen one by one, and ask the participant to assess whether they are in line or in accordance with the 2024 Omnibus Guidelines on the Exercise of Freedom of Association and Civil Liberties.
3. If they comply with the Guidelines, request them to raise the Green Card. Otherwise, instruct them to raise the Red Card.

Activity M2-2. Green Light or Red Light?



Mechanics

4. Quickly process each scenario, calling on volunteer-participants to express their thoughts on the scenario based on the raised card.
5. Cite applicable provisions in the Omnibus Guidelines as outlined in the Discussion Points of this session.

Activity M2-2. Green Light or Red Light?



Materials

Material showing green light and redlight

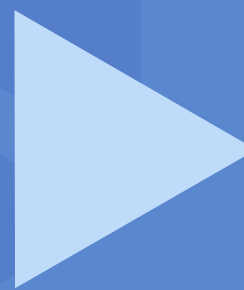
*Notes on
transition to
online session*
Activity M2-2

*Videoconferencing platforms like Zoom can be used to
conduct the activitiy online and in the plenary “room.”*



ACTIVITY

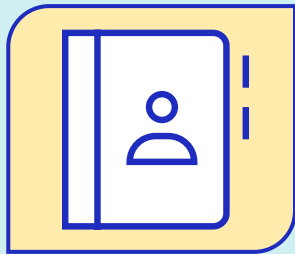
PROPER



CASES



Case 1: DOLE, through a written request to the PNP, requested the latter's assistance in the strike/lockout of Espresso Inc. Employees Union. When the PNP arrived, they had brought with them armalites and tankers as a means of protection.



Case 2: The management of Old Building Materials Inc. wrote to the Philippine Coast Guard for their assistance in guarding the picket-zone. The PCG showed up in prescribed uniform, with nameplates, and without any weapons.

CASES



Case 3: SPO4 Cagalangan was one of the officers deployed to maintain peace within a strike zone. The mayor of the town came about with the purpose of conducting a dialogue with the parties. He arrived with a gun in his holster supported by a license to carry. SPO4 Cagalangan, being respectful, allowed the mayor of the town within the strike zone.



Case 4: After ten days of strike, the DOLE issued a return-to-work order for the striking workers of Japorms Garments Factory. The management refused to follow the order and blocked the entry of the workers. The PNP was requested by the workers to remove the barricades and ensure that they will be able to enter the premises and resume work. Can the PNP do that?

CASES

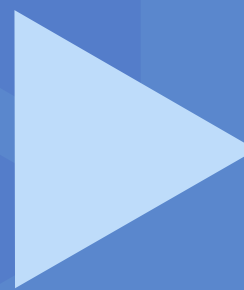


Case 5: Members of the Samahan ng mga Market Vendors ng San Rafael stopped selling goods on one Sunday morning in the public market and instead staged a protest in solidarity with other labor groups calling on the government to address the unrelenting inflation affecting capacity of consumers to buy goods and therefore the earning of the vendors themselves. They were approached by barangay tanods (village officers) to obtain initial information on the demonstration, which later immediately called on the LGU officers. The LGU officers requested the assistance of DOLE in the hopes of ending the protest and making the vendors resume their operations in the market for public interest.



Activity

Answer Keys



Answer Guide:

Case 2: Green light. The Rules are observed accordingly: PCG in prescribed uniform, with nameplates, and without any weapons.

Case 1: Red light. The Omnibus Rules prohibit the PNP and other armed security forces to bring “deadly weapons, explosives and other incendiary or similar devices” and oblige them instead to “ensure a gun-free strike-bound area.”

Answer Guide:

Case 4: Red light. Only DOLE can directly seek the assistance of the PNP relative to the service of a lawful Order/Writ, through its duly authorized representative and/or sheriff. The AFP/PNP are bound to observe their duty to assist in the service of such Order/Writ under the Omnibus Guidelines.

Case 3: Red light. SPOA Cagulangan bringing in a weapon within the strike zone is not allowed under the Omnibus Rules. The presence of the mayor in the strike zone is also problematic as the Omnibus Rules discourage the direct involvement of LGUs, unless done in the presence of or in coordination with DOLE which keeps the sole jurisdiction over the resolution of labour disputes, especially within strike areas and the premises of companies.

Answer Guide:

Case 5: Green light. The barangay tanod and the LGU did not intervene in the protest to an unnecessary extent, only to obtain initial information on the demonstration taking place. While the Omnibus Rules cover formal establishments by default, the scope of DOLE's mandate to protect labour extends to workers in the informal sector relative to the exercise of freedom of association.



Recap exercises

1. This refers to the act of accusing, denouncing, attacking or persecuting any individual or organization as a communist, terrorist or sympathizer without legal basis and due process of law, and which is prohibited for security forces as provided under the 2024 Omnibus Guidelines on the Exercise of FOA and Civil Liberties.

- a) Naming
- b) Labeling
- c) Marking

2. This is what is expected of PNP, AFP and other security forces in responding to a labour-related conflict, dispute, or incident, particularly when faced with a request to disperse a concerted action of the workers.

- a) Due diligence
- b) Proper conduct
- c) Maximum tolerance

TRUE OR FALSE

3. Private security personnel may dismantle picket shanties and tents or confiscate placards during a workers' concerted action.

TRUE OR FALSE

4. AFP may intervene in labour disputes when there is actual violence in the vicinity of the strike, picket, lockout or other concerted action or there is a general breakdown of public peace and order (for the main purpose of preventing violence from escalating).

5. The PNP can intervene in labour disputes for the following reasons except for one:

- a) Dispersal of workers in a concerted action
- b) Maintenance of peace and order
- c) Implementation of legal orders of duly constituted authorities



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