

Session 7

Human rights violations and challenges in the exercise of FOA



Session snapshot



Session 7

- **Session 7** uses **case studies to explore challenges and violations of FOA** and related labour rights.
- It is an exercise-driven session where participants apply lessons from previous topics on human rights and labour standards.
- With open group discussions and wraps up with key points on the human rights impacts of the Anti-Terrorism Act of 2020, parts of which the Supreme Court struck down as unconstitutional.



Estimated
duration:
90 minutes



Required materials:
Usual presentation equipment
and accessories
Manila paper/ cartolina
Markers





Facilitator's guide points

Facilitator's guide points



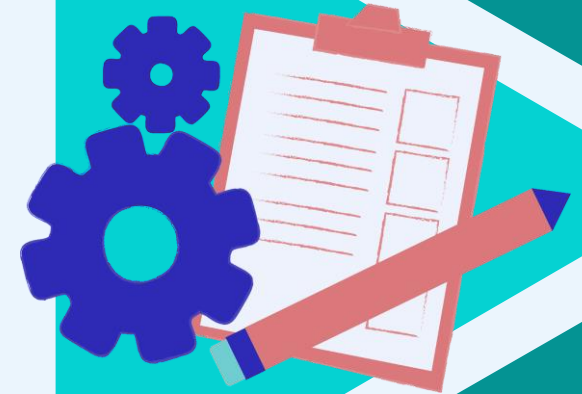
1. Introduce Session 7 by noting that the session is practically an exercise-based session contain case studies to immediately be taken up by participants in groups and discussed in plenary. Use the Overview content as a guide and share the learning objectives to keep everyone on the same page.



2. Conduct Activity M2-3 (Case Studies of Human Rights Violations Related to the Exercise of FOA).



3. Deliver the optional discussion point on the Anti-Terrorism Act of 2020 if deemed essential for the audience group receiving the session.



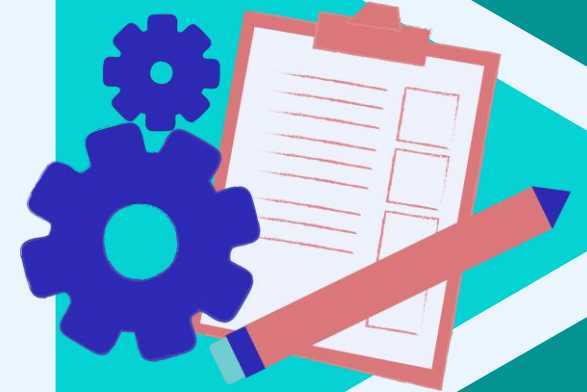
Facilitator's guide points



4. Be mindful of the Key Learning Points as internal guide on messaging. Add and/or modify as necessary.



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





Learning objectives

Human rights and FOA

Identify in what **ways human rights are challenged or violated** in the exercise of FOA and related labour rights by workers, in both the private and public sectors

Impact of human rights

Understand the impact of human rights challenges or violations on the free and effective exercise of FOA and related labour rights by workers, in both the private and public sectors



Key learning points

TU Rights are Human Rights



State Obligations:

RESPECT

PROTECT

FULFILL

Free trade unionism is to be promoted

Protection of labor is the mandate of Labor Law

Free and voluntary organization of a strong and united labor movement is a policy of the state

Free Collective Bargaining

Union as an instrument of **social justice and development (Art 218 of LC)**

Human rights challenges and violations have a chilling effect on the free and effective exercise of FOA and related labour rights, which is why it is important for these human rights challenges and violations to be prevented, mitigated and/or addressed.





The **cost among workers of exercising FOA and related labour rights is serious as evident** in actual and potential human rights challenges and violations against them.



Since 2016, there had been an alarming increase of FOA Violations

68

Killings of trade union leaders & organizers

3

Cases of abductions & enforced disappearances involving individuals

41

Cases of arrests & detentions on trumped up charges

111

Workers arrested during strikes & protest actions

90

cases of forced disaffiliation

58

cases of red-tagging, terrorist-tagging

127

cases of threats, intimidations, harassment

19

cases other anti-union activities



Activity

Activity M2-3. Case Studies of Human Rights Violations Related to the Exercise of FOA



Methodology

Case study is a method allowing training participants to analyze a specific case, event or topic that reflects actual or hypothetical situations or a mix of both and utilizes a specific framework or perspective for analysis. It is an exercise that enables the immediate and nuanced application of lessons from a certain topic discussion while providing the participants a platform to generate their own lessons and realizations relative to the given case.

Activity M2-3. Case Studies of Human Rights Violations Related to the Exercise of FOA



Timing

This activity will be best introduced after the first three sessions under Cluster 2 (Sessions 4-6), which deal with the legal and regulatory framework for as well as the circumstantial challenges to the exercise of FOA in the Philippines. It can also serve as a useful transition to the discussions on remedies for violations of labour and human rights as well as constitutional guarantees among workers as found in Session 8.

Activity M2-3. Case Studies of Human Rights Violations Related to the Exercise of FOA



Mechanics

1. Prepare on hand printed copies of the case studies.
2. Depending on the type of audience group and/or number of participants in a given session, divide the room into 3-4 groups.
3. Assign a specific case to each group, cognizant that two case studies deal with the private sector while the other two are cases in the public sector. If the set of participants are government officers or trade union organizers and leaders (e.g., in a paralegal training), all the cases can be used regardless to whom the private and public sector cases will be assigned.

Activity M2-3. Case Studies of Human Rights Violations Related to the Exercise of FOA



Mechanics

4. Ask the participants to individually read and review the case study assigned to their group for 4-5 minutes.
5. In groups, and for the next 20-30 minutes, further ask the participants to discuss a few things that are most striking to them in the given case study. Inform them of the guide discussion points indicated at the end part of each case. Give a note that their discussion can go beyond those points or questions. based on the previous discussion points.
6. Request them to assign a rapporteur who will be given 5-7 minutes of sharing the highlights of the group discussion in the plenary.

Activity M2-3. Case Studies of Human Rights Violations Related to the Exercise of FOA



Mechanics

7. After the plenary sharing, shift to the next topic session on workers' remedies for violations of labour and human rights and constitutional guarantees.

Activity M2-3. Case Studies of Human Rights Violations Related to the Exercise of FOA



Activity M2-3.

*Notes on
transition to
online session*

- Printed copies of the four case studies (found on the next pages)
- Manila paper/ cartolina
- Markers

Materials

Breakout rooms in videoconferencing platforms like Zoom can be utilized for the activity in the event of online modality.

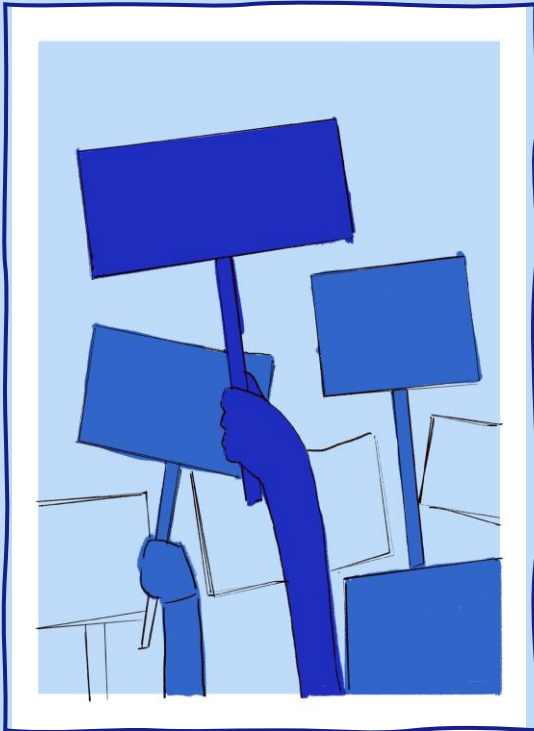


Activity

Case Studies

Case Study A (private sector) :

Violence against Industrious Corp. workers

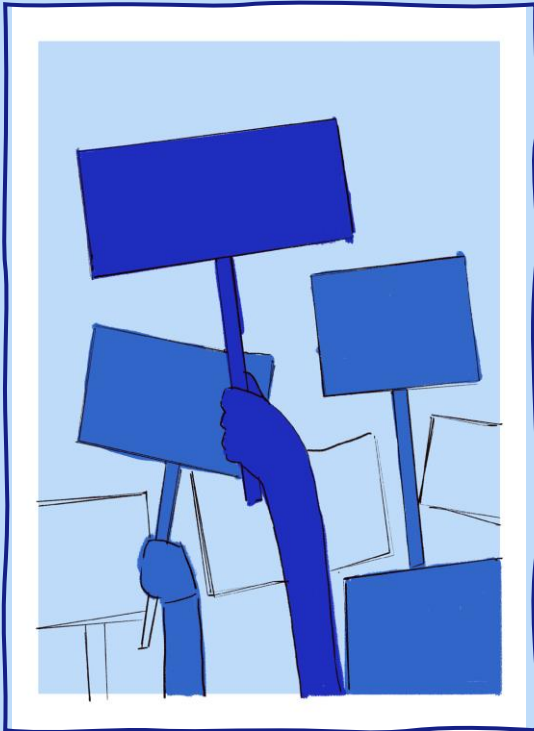


Groups and individuals were outraged by the violent dispersal of Industrious Corp. workers who went on strike due to the clothes manufacturers' refusal to regularize workers on Monday.

According to an alert from rights and labour groups, around 300 Industrious Corp. workers and their supporters were silently dispersed by the company's security personnel and police forces after a vigil was held outside the company's factory in San Pedro.

Case Study A (private sector) :

Violence against Industrious Corp. workers

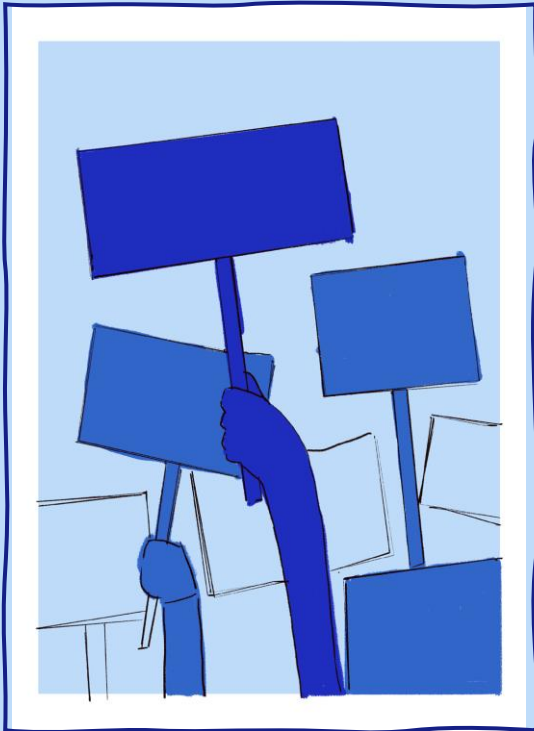


Industrious Corp., however, issued a statement also on Monday, saying violence began around 4:30 p.m. when someone “fired a shot” and “started to hurl rocks” from the side of the 200 workers of Elegant Fashions Inc. on strike with their supporters.

Industrious Corp. added that protesters violated a court injunction issued last Thursday ordering the independent workers’ union not to obstruct entry and exit ways of the company’s in San Pedro.

Case Study A (private sector) :

Violence against Industrious Corp. workers

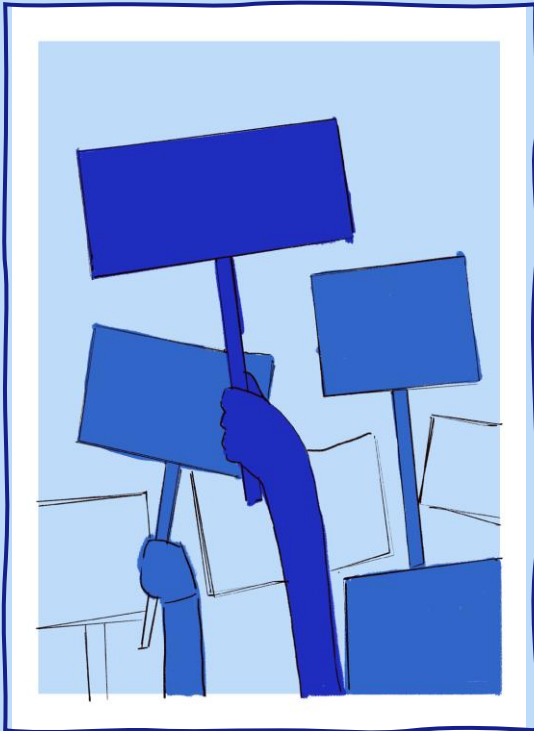


At least 35 Industrious Corp. workers and supporters were also arrested, according to reports. The violence against the Industrious Corp. workers received wide condemnation.

Sectoral Rep. Mr. A said that the Industrious Corp. management and the police personnel who participated in the violent dispersal should be held accountable. Sectoral Rep. Ms. B denounced “police violence and brutality” and demanded the release of those who were arrested.

Case Study A (private sector) :

Violence against Industrious Corp. workers

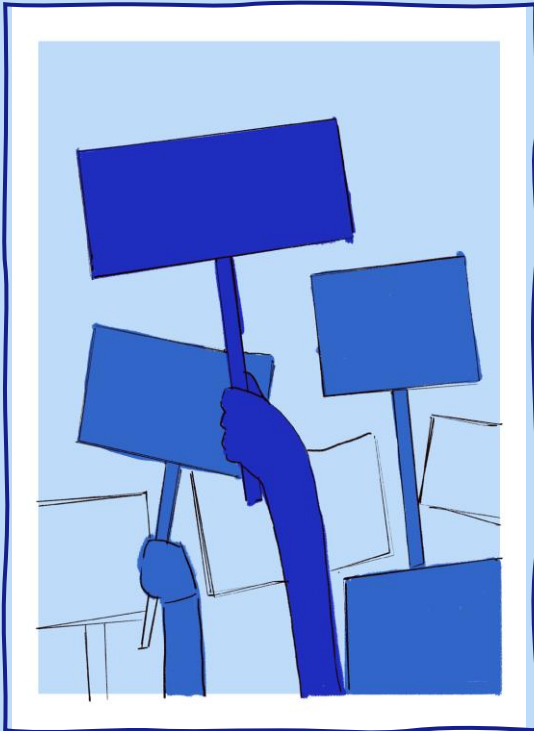


“We condemn the continuing violence against the workers of Industrious Corp. who have been on strike due to the management’s refusal to implement a Ministry of Work order for the regularization of contractual workers,” the Sectoral Group for Workers said.

It also called on the administration to “implement restrictions on the illegal practice of contractualization, instead of siding with management and harming the workers in the legitimate protest.” The government said in May that a complete ban on contractual labour could only be done through Congress.

Case Study A (private sector) :

Violence against Industrious Corp. workers



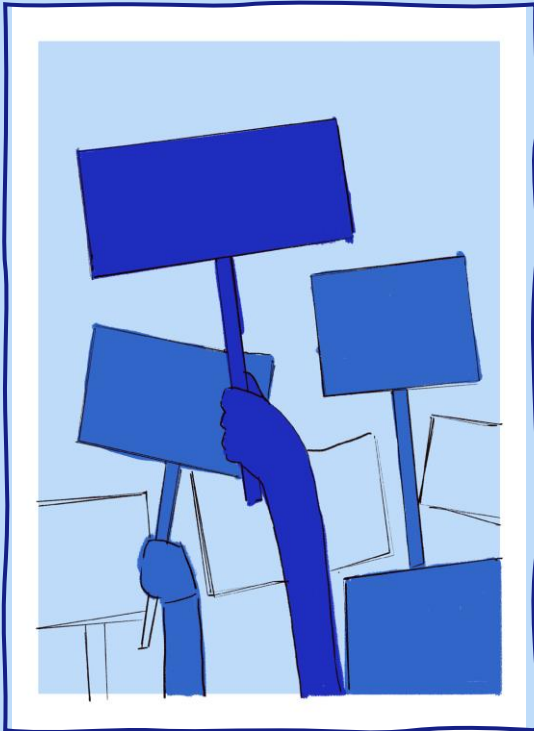
To respond to the growing unrest of the situation, the Ministry of Work ordered the company to regularize 100 workers.

In a compliance order issued by the Ministry Regional Chief in February, Elegant Fashions Inc. and its three contractors—ABC Cooperative, XYZ Cooperative, and PQR Enterprises—were directed to regularize 500 of their workers.

The order came after the Ministry found that Elegant Fashions Inc. and its contractors were violating labour laws and general labour standards, and engaging in labour-only contracting.

Case Study A (private sector) :

Violence against Industrious Corp. workers



Guide Discussion Point:

How were the human rights of workers violated in the exercise of their freedom of association based on this case?

Case Study B (private sector):

Killing of labour leader in broad daylight



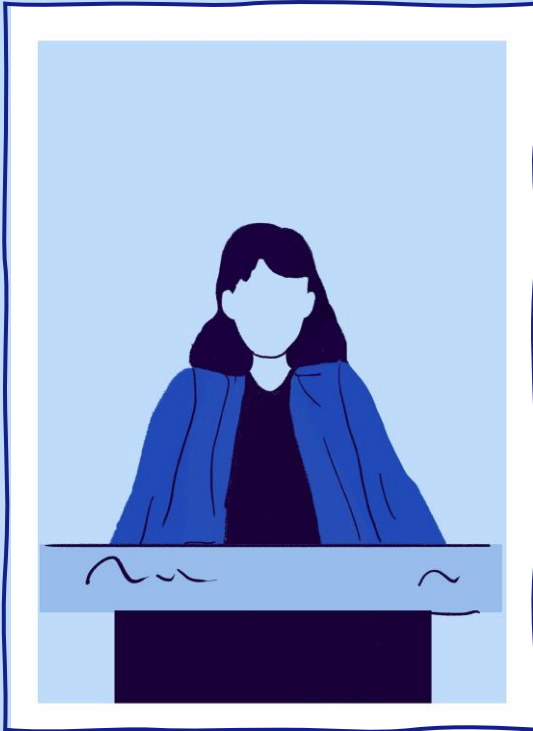
A labour union organizer was killed on Saturday morning while conducting a meeting in San Pablo, a workers' advocacy group said.

According to the group, Ms. S, Vice Chairperson of San Pablo Workers' United, was shot dead by an unidentified gunman who fled on a motorcycle. Ms. S was rushed to the hospital for treatment but doctors failed to revive her.

The victim was a union organizer and a nominee of the San Pablo Workers' United in the recent union elections in their manufacturing company.

Case Study B (private sector):

Killing of labour leader in broad daylight

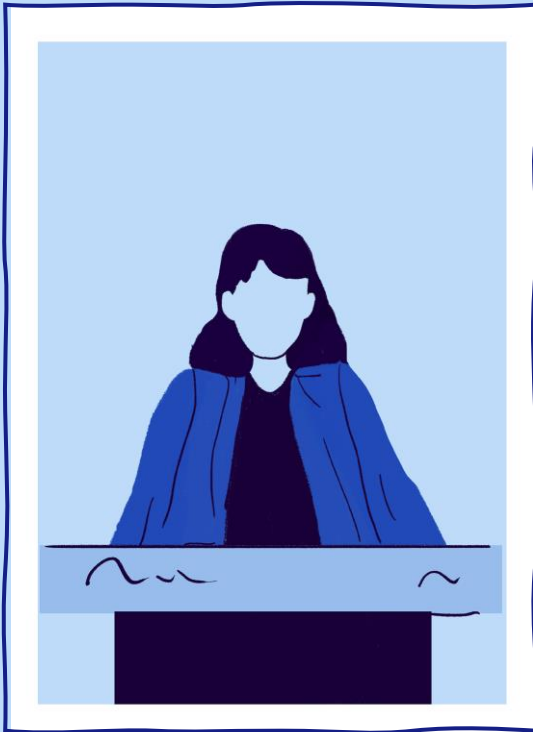


For its part, the union urged the authorities to duly investigate the killing of Ms. S in broad daylight. The group also hinted that Ms. S's killing could have been connected to the recent union elections in her company, which has been very chaotic due to efforts by management to discourage union members and workers from participating.

According to San Pablo Workers' United, Ms. S has been very critical of the company's union-busting efforts and the constant interference and intimidating presence of the heavily-armed security personnel inside the company premises.

Case Study B (private sector):

Killing of labour leader in broad daylight

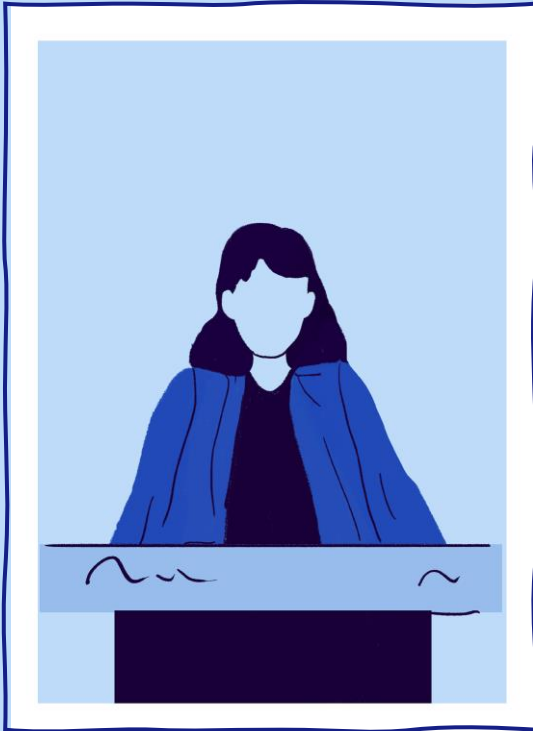


“We call on the police to act with urgency and arrest the perpetrators of the crime, Ms. S is a community leader and had no personal enemies. We believe that this is an extrajudicial killing for her work as a labour organizer,” the union statement read.

San Pablo Workers’ United also noted that Ms. S has been their second union member and leader to be killed. Two years ago, the group said that their former Senior Vice President for workers’ activities, Mr. J, was also gunned down by two men on a motorcycle while on his way home from work.

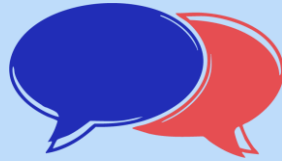
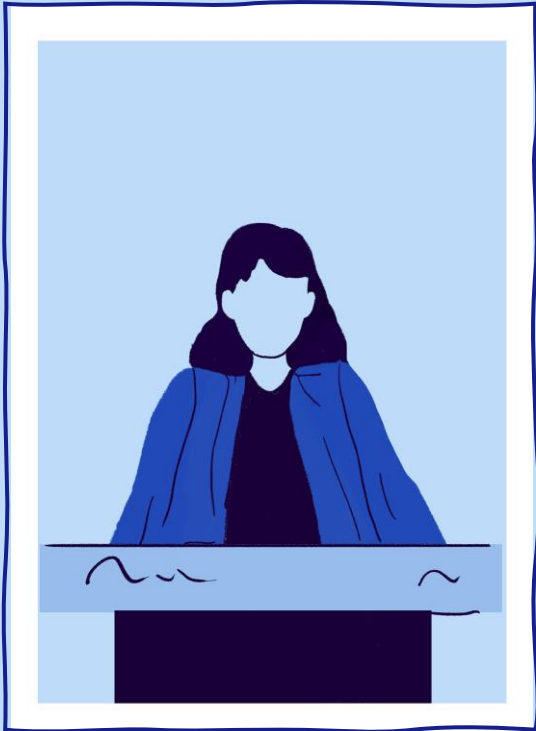
Case Study B (private sector):

Killing of labour leader in broad daylight



As such, the group called on the parliament to conduct a special inquiry into the increasing incidences and cases of what they believed to be extrajudicial killings against labour leaders.

Case Study B (private sector): **Killing of labour leader in broad daylight**

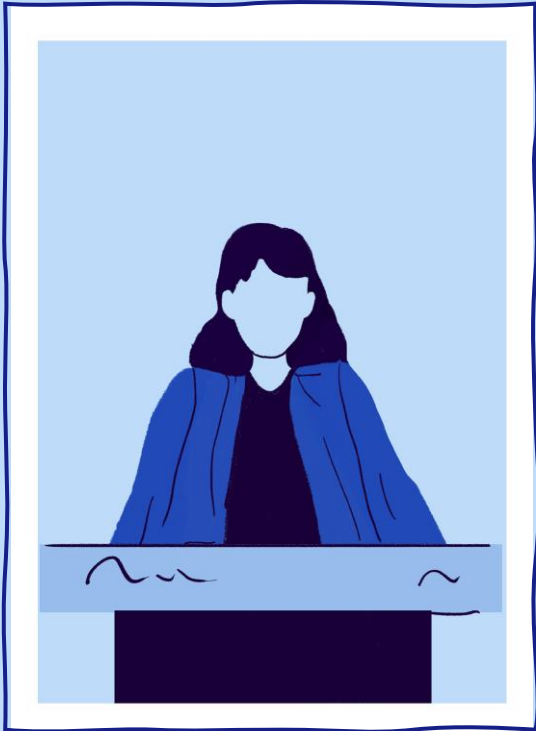


Guide Discussion Point:

What basic human rights principles have been clearly violated in the case?

Case Study B (private sector):

Killing of labour leader in broad daylight



Guide Discussion Point:

How is this case a clear example of a workers' rights violation being a serious case of grave human rights violations?

Case Study C (public sector):

Teachers to organize “sit in” protests



Members of the Progressive Union of Teachers (PUT) will organize a sit-in protest to call today for a salary increase for public school teachers nationwide.

The PUT said the regular flow of classes would be interrupted during the strike, with teacher-protesters expected to inform students about social issues instead of the usual lessons.

“As educators, we have a responsibility to deepen the students’, parents’ and the public’s understanding of everyone’s right to live a decent life and have decent work,” the group said.

Case Study C (public sector):

Teachers to organize “sit in” protests



Government education officials said it would monitor the activities, noting that protest actions should not result in disruption of classes.

“They are supposed to know the law, they are supposed to know civil service regulations. As the Education Ministry, we teach our learners to obey the law, rules and regulations,” a Ministry of Education spokesperson said, adding that any efforts of teachers to teach any unapproved topics outside of the curriculum are prohibited.

Case Study C (public sector):

Teachers to organize “sit in” protests



“The Ministry has allowed teachers to express their positions through other legal actions,” she said.

“The requirement is that any expression cannot disrupt classes. We have people observing on the ground in schools where teachers plan to protest,” she added.

The PUT is calling for the adjustment of teacher salaries, particularly to align the entry-level of a Teacher 1—which is currently at least PhP18,000.00 per month—to a Police Officer 1 receiving PhP20,000.00 per month.

Case Study C (public sector):

Teachers to organize “sit in” protests



The group also raise concerns over other policies, including the restructuring of their loans under the government insurance body and the implementation of the K-12 system

Case Study C (public sector):

Teachers to organize “sit in” protests



Guide Discussion Point:

How should the government approach the right of its employees to strike/FOA?

Case Study C (public sector):

Teachers to organize “sit in” protests



Guide Discussion Point:

How can the constitutional/statutory limitations on the rights of public sector employees (teachers, in this case) be not used to violate and disregard their labour and human rights?

Case Study D (public sector):

Government employees stage protest vs. “red tagging”



Government employees and other workers yesterday staged a rally in front of the Ministry of Worker’s central office to protest the alleged attempt of the military to link trade unions to community rebels.

Mr. F, President of the United Workers (UW), said they have received information that some of their leaders and members have been identified by intelligence officers as “community fronts.”

Case Study D (public sector):

Government employees stage protest vs. “red tagging”



“This tactic of military and intelligence groups has long been a practice to silence legitimate dissent. Since the administration cannot and will not address the genuine problems of injustice and inequity, it will use deceit and repression to silence the workers,” Mr. F said.

He noted that a board member of the Social Welfare Ministry Employees Group was one of those listed in the intelligence report as a community party member. He added that recently there have been three arrests of union organizers and several incidents of surveillance and profiling of union leaders in different government agencies.

Case Study D (public sector):

Government employees stage protest vs. “red tagging”



“The Central Intelligence Office has been conducting orientation meetings with government agencies as part of efforts to end the communist insurgency,” one sectoral group said.

According to the group, intelligence agencies are branding legitimate organizations as communist fronts or communist-terrorist organizations to discourage workers from joining or forming unions.

“Our member unions are law-abiding organizations that are raising awareness of legitimate struggles and grievances. Unionism is not terrorism,” the group said in a statement.

Case Study D (public sector):

Government employees stage protest vs. “red tagging”



They urged officials to protect workers' right to organize and uphold freedom of association.

“The terrorist-tagging campaign has led to human rights violations such as illegal arrest and detention, harassment, and serious threats to the security of our members and their families,” a group representative noted.

The representative said the group has documented cases of members who were forced to resign from their posts in their unions and revoke their membership.

Case Study D (public sector):

Government employees stage protest vs. “red tagging”



The sectoral group is filing complaints of red-tagging, and terrorist-tagging in violation of workers' rights provided in the Constitution and the ILO Convention No. 87 before the Human Rights Agency and the International Labour Organization.

“Hopefully the plight of aggrieved workers will be included in the International Labour Conference and the government will be called,” the representative said, adding that the international community should be made aware of the problem.

Case Study D (public sector):

Government employees stage protest vs. “red tagging”



Guide Discussion Point:

What labour and human rights of government employees have been violated in the case?

Case Study D (public sector):

Government employees stage protest vs. “red tagging”



Guide Discussion Point:

What are the national security, human rights, and labour rights issues in the case?

Case Study D (public sector):

Government employees stage protest vs. “red tagging”



Guide Discussion Point:

How can these complex, different concerns be addressed, so as not to infringe on basic and human rights principle and international labour standards?

Optional Discussion Point

A looming ‘terror’ out of the Anti-Terrorism Law?

A looming 'terror' out of the Anti-Terrorism Law?

- The Anti-Terrorism Act (ATA) or RA No. 11479, enacted in 2020, repealed the Human Security Act (RA No. 9372) and **significantly expanded the definition of terrorism and state powers in dealing with suspected terrorists.**
- It introduced broader authority in surveillance, detention (even without warrant), travel restrictions, asset freezing, and terrorist **designations**—also reinforced by RA No. 10168 (Terrorism Financing Law).



A looming 'terror' out of the Anti-Terrorism Law?

- **On 9 December 2021**, the Supreme Court struck down two key provisions for being unconstitutional:
- Section 4 (Qualifier) – Removed for being overbroad and violating freedom of expression.
- Section 25(2) – Voided ATC's power to label individuals/groups as terrorists based solely on foreign requests.



A looming 'terror' out of the Anti-Terrorism Law?

- However, the Court upheld the rest of the law, including:
- Section 25(3) – ATC can still designate terrorists without due process.
- Section 29 – Allows up to 24 days' detention without a judicial warrant, exceeding the Constitution's 3-day limit.



A looming 'terror' out of the Anti-Terrorism Law?

- While the nullification of Section 4 affirms that “*activism is not terrorism*”, the Supreme Court’s final ruling on 26 April 2022 upheld most of the law—leaving trade unions, federations, and activists vulnerable to red-tagging and abuse.
- It is crucial for union paralegals to understand these provisions and the legal remedies available to protect labour rights.





A looming 'terror' out of the Anti-Terrorism Law?

Then, read the ATA, its IRR and the recent decision of the Supreme Court on the final validity of R.A. 11479. Note the definitions of terrorism and terrorism-related crimes. These definitions have been challenged and criticized for being vague and overbroad, among others. Unfortunately, the current language of the law and its IRR, which have also been upheld with finality by the April 2022 ruling of the Supreme Court, could render some activities of labor organizations susceptible to being tagged as terrorism or terrorism-related acts.

A looming 'terror' out of the Anti-Terrorism Law?

- The ATA (RA 11479) grants authorities broad powers to combat terrorism, affecting both individuals and organizations:

Against individuals:

- a. Warrantless detention (up to 24 days)
- b. Hold Departure Orders (HDOs) and PHDOs
- c. House arrest and travel restrictions

Against organizations:

- a. Proscription and designation as terrorist groups
- b. Secret surveillance
- c. Bank examination and asset freezing

A looming 'terror' out of the Anti-Terrorism Law?

- While the law includes **remedies within its text**, human and labour rights groups warn about potential misuse. In June 2020, the Philippine Permanent Mission to the UN in Geneva responded to such concerns, citing that the ATA contains “safeguards to guarantee respect for human rights” and judicial review by the Supreme Court. It also clarified that **advocacy, protest, dissent, strikes, and other civil actions are not terrorism** under Section 4.
- However, since the Supreme Court **upheld most of the ATA on 26 April 2022**, it has been used in controversial ways, such as:
- **Blocking of 27 news websites**, including [Bulatlat](#), on 23 June 2022 by the NTC upon request of the ATC, citing alleged insurgent ties. These outlets cover **labour and human rights issues**.
- Bulatlat filed for a TRO; although initially denied, the **Quezon City RTC granted it on 8 August 2022**, citing violations of **free speech and press freedom**.

