

Committee on the Application of Standards

CAN/PV.17

Commission de l'application des normes

08.06.26

Comisión de Aplicación de Normas

114th Session, Geneva, 2026

114^e session, Genève, 2026114.^a reunión, Ginebra, 2026

Warning: this document is a draft and may contain omissions or errors. It is made available solely for the purpose of verification and correction. Persons referred to in this document are not to be regarded as bound by statements attributed to them. The ILO declines all responsibility for any errors or omissions which this document may contain, or for any use which may be made of it by third parties.

Avertissement: ce document est un projet, qui peut comporter des omissions ou des erreurs et n'est rendu public qu'à des fins de vérification et de rectification. Les mentions contenues dans ce document provisoire n'engagent pas les personnes dont les propos sont rapportés. La responsabilité du BIT ne saurait être engagée à raison des éventuelles erreurs et omissions entachant ce document, ou de l'utilisation qui pourrait en être faite par des tiers.

Advertencia: el presente documento es un proyecto y puede contener omisiones o errores. Solo se publica a efectos de comprobación y rectificación. Las declaraciones que se atribuyen en el presente documento provisional a las personas citadas en él no comprometen su responsabilidad. La OIT queda exenta de toda responsabilidad respecto de cualquier error u omisión que pudiera figurar en el presente documento o que pudiera derivarse del uso del documento por terceros.

Decimoséptima sesión, 8 de junio de 2026, 18.52 horas**Seventeenth sitting, 8 June 2026, 6.52 p.m.****Dix-septième séance, 8 juin 2026, 18 h 52**

Presidenta: Sra. López

Chairperson: Ms López

Présidente: M^{me} López**Discusión de los casos individuales (cont.)****Discussion of individual cases (cont.)****Discussion des cas individuels (suite)****Filipinas (ratificación: 1953)**

Convenio sobre el derecho de sindicación y de negociación colectiva, 1949 (núm. 98)

Right to Organise and Collective Bargaining Convention, 1949 (No. 98)

Convention (n° 98) sur le droit d'organisation et de négociation collective, 1949

Presidenta – El cuarto caso del día de hoy se refiere a la aplicación del Convenio sobre el derecho de sindicación y de negociación colectiva, 1949 (núm. 98), por parte de Filipinas.

Para la discusión de este caso contamos con 22 oradores inscritos. En la lista sobre esta base la Mesa decidió reducir el tiempo máximo de intervención de los delegados que hablan a título individual de 5 a 3 minutos.

Contamos con su comprensión y colaboración para adaptar su discurso al tiempo otorgado.

Invito entonces a la representante gubernamental de Filipinas, la Sra. Maria Consuelo Bacay, Subsecretaria del Departamento de Trabajo y Empleo, a tomar la palabra.

Government representative (Ms BACAY) – The Government appreciates the opportunity to provide information and clarification on the country's implementation of the Convention.

On behalf of our Minister, Francis N. Tolentino, we extend our warmest felicitations to the Committee on the occasion of its centenary anniversary. The Committee's work has indeed significantly contributed to the realization of the mandates of the ILO's entire supervisory mechanism.

Let me start by emphasizing that the right to collective bargaining is protected in the Philippine jurisdiction both in law and in practice. Our Constitution and the Labour Code guarantee this right. Under the Labour Code, collective bargaining rests on a clear and enforceable legal framework. The law sets out the bargaining procedures, defines the duty to bargain in good faith, provides remedies for violations, and treats as unfair labour practice the refusal or failure by either party to bargain collectively. This also includes the flagrant or malicious refusal to comply with the economic provisions of a collective bargaining agreement.

Precisely because Philippine laws give concrete effect to the guarantees under the Convention, the Philippines regrets its inclusion in the present examination. The issues raised do not reflect an arbitrary denial or restriction of the right to collective bargaining, nor do they show a failure to engage with the social partners. On the contrary, these matters are already being addressed through existing administrative, legal and tripartite processes.

Our interventions today will be guided by the report of the Committee of Experts, particularly its observations regarding the alleged interference in collective bargaining in the electricity sector, the scope and content of collective bargaining in contracting arrangements and in the informal economy, and the determination of bargaining representative status. We consider these issues central to a balanced and constructive examination and hope they will help focus the discussion on the matters most relevant to the case before us.

On collective bargaining in the electricity sector, while we take note of the issues raised by Worker members, these have already been, and continue to be addressed through dialogue, consultation and capacity-building initiatives. As we have emphasized in our response to the Committee submitted on 14 May 2026, the Department of Labour and Employment (DOLE) has been facilitating dialogues and organizing capacity-building activities for both the management and union representatives in electric cooperatives aimed at supporting constructive labour-management relations.

This demonstrates that the Government has actively engaged the issue through existing institutional mechanisms. In particular, we pursued a constructive and balanced approach through sustained dialogue with the concerned workers' groups, including the National Union of Workers in the Power Industry-Sentro ng mga Nagkakaisa at Progresibong Manggagawa (POWER-SENTRO). These discussions have yielded concrete results. On 16 October 2025, the National Electrification Administration (NEA) suspended the application of Memorandum Circular No. 2023-052 – the administrative issuance at issue in the present case. Its suspension

halted the application of the questioned measure and created room for continued dialogue on a bargaining framework that protects workers' rights while safeguarding the public interest in electric cooperatives.

While the Government recognizes that implementation gaps remain, particularly due to varying interpretations on the ground, we have taken further measures to address these gaps. These measures include ongoing discussions on a draft manual for a collective bargaining framework in the electricity sector, the proposed creation of a national tripartite council for electric cooperatives and the resolution of the National Tripartite Industrial Peace Council (NTIPC) calling for the total revocation of Memorandum Circular No. 2023-052.

Taken together, these developments show that the matter is being actively addressed through legal, administrative and tripartite mechanisms, and that the Government has provided substantive responses and taken concrete follow-through action. In this regard, the Government recalls that under the Committee's working methods, the criteria for the selection of individual cases include, among others, the quality and scope of responses provided by the Government or the absence of a response on its part; the seriousness and persistence of shortcomings in the application of the Convention; and the urgency of a specific situation.

The Government respectfully reiterates that this matter does not show an arbitrary denial of collective bargaining rights or a refusal to comply with the Convention. Rather, the issuance was prompted by the need to address past collective bargaining practices that had adversely affected the financial and operational viability of several electric cooperatives. Nor can it be argued that the Government has persistently failed or lacked the will to resolve the issue. On the contrary, the continuing engagement among the social partners demonstrates that the matter is being addressed through dialogue in good faith, and within the appropriate institutional processes. We respectfully submit that the best path forward is to allow these discussions to continue, anchored in mutual trust and constructive engagement.

With respect to collective bargaining in the informal economy, the Government submits that the challenge is not the absence of legal avenues for organization and representation, but the need to further develop mechanisms suited to the realities of informal work. Under Philippine laws, they may form workers' associations, represent their members and negotiate with appropriate authorities for their mutual aid and protection. The Philippine Institute for Labour Studies is undertaking a study on how these workers' associations may be strengthened in the context of representation and negotiation. The Government would welcome ILO technical assistance in this regard.

On the issue raised regarding the impact of contracting and subcontracting arrangements on collective bargaining rights, the Government respectfully submits that the issue is not the mere existence of such arrangements, but whether adequate safeguards are in place to protect workers' rights. In the Philippines, these arrangements are regulated, and workers covered by them are afforded the right to organize and to bargain collectively with their direct employers. We further wish to inform the Committee that the rules governing contracting and subcontracting are currently under review, with the participation of the social partners and with full regard to fundamental principles and rights at work.

On the issue of collective bargaining status, in our submission dated 14 May 2026, the Government informed the Committee that the Court of Appeals' decision invalidating the DOLE Department Order No. 40-J, series of 2022 (DO 40-J), had become final. This rule previously allowed the certification of a sole and exclusive bargaining agent even without a certification election, where only one union exists in an unorganized establishment. As a co-equal branch of Government, the Judiciary's ruling must be respected by the DOLE.

The Government notes the concerns raised by the labour sector on the possible impact of this ruling on the determination of representation status in unorganized establishments. The Government recognizes that certification election is an important and democratic process for determining the sole and exclusive bargaining agent. At the same time, the process should remain prompt and should not cause unnecessary delay, especially where only one labour organization exists in the establishment. The Department will therefore continue to monitor the situation and act on petitions for certification election in accordance with article 269 of the Labour Code and its implementing rules. The Government reiterates that safeguards are in place to ensure that the process remains prompt, fair and objective, consistent with the Convention. This matter has already been discussed with the social partners and the Government remains of the view that continued dialogue within the tripartite framework provides the appropriate way forward.

Given the foregoing submissions, the Philippines regrets its inclusion in the present examination, particularly in light of the clarifications and the concrete measures undertaken provided in its 14 May 2026 response.

The Government has consistently engaged the ILO supervisory process and the social partners in good faith. Following the Committee's examinations in 2019, 2023 and 2024 concerning the country's application of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), the Government worked with the social partners and the Office to translate the Committee's observations into concrete action.

This is also true in this case. The Philippine Government appears before the Committee with full respect for the ILO supervisory mechanism and with a clear commitment to address genuine issues arising from the application of the Convention. In this spirit, the Government respectfully hopes that the discussion will give due weight to the measures already undertaken, the institutional processes in place and the continuing engagement with the social partners.

The Philippines does not claim that all issues have been fully resolved. However, we respectfully emphasize that these concerns should be assessed in their full context, including the country's legal framework, institutional mechanisms and the concrete actions undertaken through social dialogue.

As a final note, the Government recognizes the close relationship between the Convention and Convention No. 87. However, for purposes of the present examination, we respectfully submit that the discussion should remain focused on the specific standards, issues, and factual context relevant to Convention No. 98.

The Government is prepared to engage constructively on all matters raised. At the same time, we believe that a fair and useful discussion requires a complete factual context and an accurate account of the measures undertaken, the remedies available and the actions still being pursued.

Presidenta – Doy ahora la palabra a la portavoz del Grupo de los Trabajadores, la Vicepresidenta Sra. Ann Vermorgen, para que realice su declaración inicial.

Worker members – This is the first time that our Committee reviews the application of the Convention by the Philippines. However, the Committee is already familiar with the long-standing and systematic issues concerning the right to organize and collectively bargain in the country, notably through its repeated examination of Convention No. 87. Worker members note persistent gaps between the requirements of Convention No. 98 and both the legal framework and practice in the Philippines. Despite repeated comments by the Committee of

Experts over several years, the issues identified remain largely unresolved and continue to affect a broad range of workers across sectors.

At the outset, we recall that Article 4 of the Convention requires measures to encourage and promote voluntary negotiation between employers' and workers' organizations with a view to regulating terms and conditions of employment through collective agreements. This requires an enabling legal and institutional framework that allows all workers covered by the Convention to effectively exercise collective bargaining rights in practice. In this regard, we are deeply concerned that a significant number of categories of workers continue to be excluded from the right to collective bargaining, namely prison staff, fire service personnel, self-employed workers, temporary and part-time workers, outsourced and contract workers, non-resident and migrant workers, agriculture and domestic workers. These exclusions are incompatible with the requirements of the Convention which covers all workers in the private sector regardless of their employment or residency status and guarantees the right to collective bargaining to all public servants not engaged in the administration of the State. Worker members note that several legislative reforms concerning the right of these workers to organize have remained pending in Congress for years.

Therefore, in line with the comments of the Committee of Experts, we call on the Government to amend its legislation without delay to ensure that all workers covered by the Convention can effectively enjoy and exercise their right to collective bargaining. With regard to certification procedures for trade unions in unorganized establishments, we take note of the Court of Appeals' ruling declaring the DOLE Department order beyond scope and invalid. We also note the Government's indication that the DOLE has discontinued the order while maintaining the status of unions already recognized as sole and exclusive bargaining agents and preserving the validity of collective agreements concluded under the previous framework. The Government further indicates that certification elections will not apply under article 269 of the Labour Code. This development is concerning.

The procedure provided by the Labour Code is deeply flawed as, in practice, it enables employer interference in certification elections. Worker members wish to stress the need for the Government to adopt and implement a certification procedure that ensures that trade unions are not subjected to unnecessary delays, administrative barriers, undue interference by employers or procedural uncertainty that could undermine their ability to secure recognition as bargaining agents. With regard to Executive Order No. 180 and the 2024 Rules and Regulations Governing the Exercise of the Right of Government Employees to Organize, Worker members remain deeply concerned that collective bargaining in the public sector is limited to matters not fixed by law and explicitly excludes compensation. According to the Government, wage-related matters are excluded due to national practice and jurisprudence while alternative consultation mechanisms exist.

Worker members recall that public servants not engaged the administration of the State must be able to negotiate wages, benefits, allowance and working time. Mere consultation is not sufficient to meet the requirements of the Convention. Genuine collective bargaining must include the possibility of negotiating core terms and conditions of employment, including remuneration. We, therefore, echo the request of the Committee of Experts that the Government take concrete steps in consultation with the social partners to enable meaningful collective bargaining on compensation and related matters in the public sector.

Furthermore, the situation in the electricity sector raises serious concerns. The Committee of Experts has highlighted severe restrictions on the scope and content of collective bargaining resulting from the involvement of multi-stakeholder consultative bodies in the review and

negotiation of collective bargaining agreements. In the lead-up to this discussion, the Government supplied additional information indicating that the social partners in the NTIPC agreed to revoke the regulation establishing multi-stakeholder involvement. According to the Government, the regulations are suspended pending the signature of a resolution, and the bargaining framework under the Labour Code continues to govern. The Government also indicates that discussions are ongoing towards the establishment of a national tripartite council for electric cooperatives. While we acknowledge these developments, we remain concerned that uncertainty persists regarding the framework governing collective bargaining in the electricity sector.

Worker members recall that collective bargaining can only function effectively where workers' and employers' organizations are able to negotiate freely. It is therefore essential that any new institutional framework complies with the requirements of the Convention and guarantees the autonomy of the bargaining parties. More broadly, we are concerned that the Labour Code continues to allow the Government to impose compulsory arbitration in an overly broad range of sectors in a manner that undermines free and voluntary collective bargaining. We recall that in the cases where the parties do not reach agreement through collective bargaining, recourse to compulsory arbitration is permissible only in the context of strictly defined essential services. Finally, while we take note of the reported increase in the number of registered collective bargaining agreements, we remain concerned that overall collective bargaining coverage remains extremely low compared to the size of the workforce.

This indicates that structural barriers continue to limit the full development and utilization of collective bargaining as envisaged by the Convention. Worker members consider that the issues raised by the Committee of Experts are not isolated or technical in nature. They reflect broader structural challenges affecting both the scope and autonomy of collective bargaining in the country. Worker members therefore request the Government to engage fully and constructively with the social partners and to undertake the reforms necessary to bring law and practice into conformity with the Convention.

Presidenta – Voy a pasar el uso de la palabra al Vicepresidente Empleador, el Sr. Kaizer Moyane para que haga su declaración inicial.

Employer members – We note and welcome the information shared by the Government of the Philippines. The information demonstrates the Government's intention to address concerns raised in connection with its application of the Convention, including in various identified sectors. We wish to encourage the Philippines to continue taking steps to investigate, respond and/or remediate the issues regarding the implementation of the Convention through its national laws and practice. The Convention is a fundamental Convention which the Philippines ratified in 1953.

This is the first time that the Committee is examining the implementation of the Convention by the Philippines. We note that the Committee of Experts has made 13 observations in this case since 1999 with the latest being in 2025. We also note that this case comes on the heels of multiple cases and observations involving the Philippines relating to Convention No. 87 which included serious concerns of trade union violence and extrajudicial killings. However, our focus will remain on Convention No. 98, which is the case at hand. Employer members note and welcome the progress made in the Philippines since the High-Level Tripartite Mission which took place in 2023 particularly with respect to the elaboration of the tripartite road map and review of the guidelines on the conduct of stakeholders.

We also welcome the continued collaboration between the Philippines, its social partners and the ILO which is important for this progress. However, noting progress and collaboration

does not minimize the seriousness of the events that preceded this case. Turning now to the Committee of Experts' observations, we note that there are legislative exclusions of certain categories of workers from the right to collectively bargain including prison staff, fire service personnel, self-employed and temporary workers, outsourced or contract workers, non-resident workers and part-time workers. We also note the scope that public sector workers can collectively bargain over is limited to those matters not fixed by law and excludes compensation. The Committee of Experts also expressed concerns regarding Memorandum No. 2023-052 of the NEA which requires the participation of multi-sectoral consultative panels in collective bargaining for electric cooperatives.

The Committee of Experts also requested the Government to provide information on, or clarification on other specific aspects of collective bargaining and requested the Government to continue to take all the necessary legal and practical measures to promote the full development and utilization of collective bargaining under the Convention and to provide applicable statistics. The Committee of Experts noted the ILO's continuous assistance to the Philippines through its decent work country programme, focused mainly on issues raised under Convention No. 87 and expressed through the tripartite road map on freedom of association adopted by the NTIPC and the related ILO High-Level Tripartite Mission in January 2023. We welcome this. Employer members wish to stress again their commitment to the full expression of the Convention in both law and practice. Our sincere hope is that these proceedings can facilitate meaningful development in the Philippines on these critical issues.

In this regard, Employer members wish to note the following: violence and coercion of any kind that inhibits workers' and employers' groups from expressing their rights and freedoms under the Convention cannot be tolerated. Noting the Committee of Experts' concern regarding the exclusion of certain categories of workers from the right to collectively bargain, we recall that Article 4 of the Convention provides that "measures appropriate to national conditions shall be taken where necessary to encourage and promote the full development and utilization of machinery for voluntary negotiation between employers and employers' organizations and workers' organizations with a view to the regulation of terms and conditions of employment by means of collective agreements". In this regard, it is our view that access to this right depends on whether workers have an employment relationship which is determined under national law and practice. Accordingly, we respectfully disagree that this right extends to genuine self-employed workers or any workers not in an employment relationship.

With regard to certain public sector workers not fully enjoying their rights under the Convention, we note that Article 6 provides that the Convention does not deal with the position of public servants engaged in the administration of the State, nor shall it be construed as prejudicing their rights or status in any way. Employer members believe that the determination of whether certain public servants are engaged in the administration of State must be made on the facts of each case with due consideration of the applicable national laws and practice. To date, the collaboration between the Philippines, the social partners and the ILO has been fruitful and has led to meaningful developments. Of course, more can be done, including in finalizing the manual for collective bargaining in the electricity sector. We, therefore, encourage the Government to continue its collaboration with the ILO and to access technical assistance in order to harmonize its laws with the Convention.

This would address the concerns of the Committee of Experts about sectors like the electrical sector and the informal sector and whether exclusions of certain public sector workers from collective bargaining rights are consistent with the Convention. In conclusion, Employer members call on the Government to meaningfully respond to the Committee of

Experts' concerns and to continue its collaboration with the social partners and the ILO. It is the view of Employer members that the Philippines can benefit from continued technical and other material assistance.

Presidenta – Vamos a pasar el uso de la palabra al Sr. Rolando Adonis quien habla en representación de los trabajadores de Filipinas.

Worker member, Philippines (Mr ADONIS) – For the majority of Filipino workers, the promise of the Convention remains unfinished and frustratingly unfulfilled. The road to collective bargaining is long, winding and narrow, so narrow that obtaining the collective bargaining agreement often feels like passing through the eye of a needle. Collective bargaining remains tied to the employer-employee relationship leaving millions of workers excluded through contractualization, subcontracting, platform work and other precarious arrangements. Nearly 18 million informal economy workers are excluded. For many public sector workers, collective bargaining remains more a promise than reality.

Nine years after ratifying the Labour Relations (Public Service) Convention, 1978 (No. 151), the Philippines has yet to enact an enabling law necessary for its full implementation. The journey begins with securing recognitions as the sole and exclusive bargaining agent through a certification election, after a simpler route of majority signature recognition was recently nullified. It continues through certification disputes, bargaining delays, bargaining deadlocks, assumption of jurisdictions orders, litigation and, in some cases, the dismissal, intimidation, threats, harassment, red-tagging and even arrest of union leaders themselves. In some cases, the journey is not merely difficult. It is close to impossible.

Philippines' jurisprudence itself shows how workers may spend years and sometimes more than a decade simply trying to secure recognitions and representation rights. The union in a major broadcasting company waited approximately 13 years before the Supreme Court finally affirmed the rights to proceed with a certification election. In a rope company and a multinational soft drinks company, workers likewise spent four and five years respectively litigating issues relating to certifications and bargaining representation before they could move forward. The Convention is about collective bargaining. Yet for Filipino workers, the struggles begin with securing recognition as their bargaining representative.

The numbers tell the story. As of the first quarter of 2026, there were 20,843 registered unions but only 1,331 collective bargaining agreements (CBAs) and collective negotiation agreements (CNAs) covering 307,788 workers, just 1.4 per cent for the 31 million wage and salary workers and less than 1 per cent of the country's total workforce. Organizing a trade union, dangerous and difficult as it already is, is no guarantee that workers would reap the benefits from collective bargaining agreement. Laws, policies and practice continue to exclude millions from meaningful bargaining coverage. Collective bargaining is weakened not only by exclusion but also by excessive interventions in the bargaining process itself.

Governments should be referees, not substitute negotiators. Yet workers continue to face intervention by both the DOLE and other Government agencies that affect the outcome of collective bargaining. One glaring example of overreach is the overuse and abuse of the Secretary of Labour and Employment under article 278 of the Labour Code to assume jurisdiction of actual collective industrial actions or brewing labour dispute as a result of CBA deadlock or unfair labour practice and union busting. Under the international labour standard, restrictions on collective individual action are generally justified only in essential services in the strict sense of the term - services whose interruption would endanger the life, personal safety or health of the population.

However, the scope of industries indispensable to the national interest in the Philippines has expanded beyond those limits. Assumption orders had been issued in hotel, education, electronics, manufacturing, telecommunications, beverage production, transportation and other sectors. As a result, bargaining disputes that should be settled at the negotiating table opened up at the Government desk. Assumption of Jurisdiction impedes union power and effectively neutralizes the right to collective industrial actions of workers and enables State forces and private security to use violence to disperse striking workers. In a dispute involving a multinational soft drinks company, collective bargaining reached a deadlock but before workers could fully exercise their bargaining leverage, an assumption of jurisdiction order intervened. The collective industrial action stopped. The dispute moved to compulsory proceedings and collective bargaining ceased to be voluntary. The Convention promotes collective bargaining. It does not contemplate collective bargaining being replaced by compulsory arbitrations at the first sign of deadlock. A similar concern exists in the electric power sector.

Workers in electric cooperatives continue to face interference arising from actions of national electrification administrations. NEA Memorandum No. 23-052 and all related policies subjected collective bargaining agreements to layers of review and approval, restricted provisions involving wages and benefits and effectively inserted third party oversight into matters that should be determined through negotiations between workers and management. Trade unions reported delays in the conclusions of collective bargaining agreements and obstacles to freely negotiated settlement. Although the NEA administrator reportedly committed in 2025 to withdraw the questioned policies, they have only been suspended. As long as they remain in place, their chilling effect on collective bargaining persists.

Significantly, even the NTIPC approved in principle a resolution calling for the total revocation of Memorandum Circular No. 2023-052, recognizing its incompatibility with free and voluntary collective bargaining. Yet despite this recognition, the Government continues to ask the Committee to defer scrutiny while the disputed policy technically remains in force, albeit suspended.

The Committee should likewise examine article 279 of the Labour Code and its chilling effect on collective bargaining. The concern is not theoretical. A recent example is the dispute involving a multinational electronics company where union leaders were illegally dismissed around the time of CBA negotiations. The union launched collective industrial action due to these determinations and the non-implementation of previously penned provisions of the CBA, and was issued assumption of jurisdiction. The union stood firm and it ended in victory for the workers. In a hotel chain, workers lost their jobs over a collective hair-grooming protest. In a local university, a delay of less than a day in returning to work cost union officers their employment and was considered as defiance of the assumption of jurisdiction.

The pattern is difficult to ignore: bargaining disputes, union leaders' dismissals. Workers are told they have the right to organize, to bargain and to collective industrial action, but exercising those rights can cost them their jobs. Many will choose silence over participation. Moreover, the practice of red-tagging, threats, surveillance and illegal arrests and detention continues. There were 69 cases of red-tagging, threats and surveillance in 2025 alone according to the Workers' Rights Watch Report, victimizing 11,280 workers. There were seven cases of filing trumped-up charges, illegal arrests and detention, victimizing nine workers. There were at least six cases of union busting affecting 867 trade union leaders and key members and 11 cases of constructive or illegal dismissal affecting 377 workers who were organizing.

A right exercised under fear is not a right fully enjoyed. We respectfully call to: certify as urgent the passage of enabling law for Convention No. 151; align the Labour Code provisions on assumption of jurisdiction by certifying as urgent the passage of House Bill No. 90; repeal and substantially amend article 279 of the Labour Code to remove disproportionate penalties that shield collective bargaining; rescind all NEA policies that unduly interfere in collective bargaining in the electric power sector and ultimately review the NEA Charter; certify as urgent the Security of Tenure legislation in industrial relations reform measures that expand collective bargaining coverage; extend collective bargaining rights and protection to contractual, platform, informal economy, migrant, job order and contract of service workers; align laws, regulations and practices with the Convention and fully implement the recommendations of the ILO High-Level Tripartite Missions and ILO supervisory bodies; abolish and defund the National Task Force to End Local Communist Armed Conflict (NTF-ECLAC) and redirect resources toward labour inspection, social dialogue and protection of freedom of association and collective bargaining. For some workers, the price of collective bargaining has been their employment. For others, it has been their freedom. For far too many trade unionists, it has been their lives.

Presidenta – Pasamos el uso de la palabra al Sr Arturo III Guerrero, quien habla en nombre de los empleadores de Filipinas.

Employer member, Philippines (Mr GUERRERO) – I have the honour to speak on behalf of the Employers' Confederation of the Philippines (ECOP), the recognized representative of Philippine employers in the ILO. We respectfully submit that the inclusion of the Philippines on the short list of cases under the Convention does not fully reflect the significant progress achieved by the Government and the social partners in recent years. The Philippines has not stood still. Employers, workers, and the Government have invested substantial effort in responding to concerns raised by the ILO supervisory bodies. The record before the Committee demonstrates continued engagement, meaningful reforms, strengthened institutions and progress in the promotion of freedom of association and collective bargaining.

Allow me to highlight three developments that demonstrate the country's commitment to the principles embodied in the Convention. First, the Philippines has undertaken important institutional and policy reforms to strengthen the protection of workers' rights and improve accountability. A major development has been the strengthening of national mechanisms addressing allegations involving freedom of association and trade union rights. This effort was reinforced through Executive Order No. 23 which strengthened the Inter-agency Committee on Freedom of Association and the Protection of the Right to Organize. The mechanism enhances coordination among agencies responsible for labour, justice, law enforcement and human rights matters and provides a structured process for addressing concerns and improving accountability.

The Government has likewise adopted the 2024 Rules and Regulations Governing the Exercise of the Right of Government Employees to Organize, modernizing procedures relating to collective negotiations, representation and dispute resolution in the public sector. The Government has also continued to engage constructively with the ILO supervisory system and has consistently provided information requested by the Committee of Experts regarding measures taken to address outstanding concerns. These actions demonstrate the willingness to strengthen institutions and improve compliance through practical reforms.

Second, these institutional reforms have been accompanied by a renewed commitment to social dialogue. Following the visit of the ILO High-Level Tripartite Mission in January 2023, an important process of engagement produced tangible results. One of the most significant

outcomes was the Leaders' Forum statement jointly signed by employer and worker leaders. The statement reflected a shared commitment to promote freedom of association, strengthen social dialogue and address concerns through constructive engagement. The Leader's Forum statement was complemented by the Freedom of Association Roadmap developed through consultations among employers, workers and the Government together. These initiatives provide a practical framework for strengthening institutions and resolving concerns through dialogue rather than confrontation.

The NTIPC has likewise been revitalized providing an important venue through which employers, workers and the Government can discuss labour relations issues and develop consensus-based solutions. Another significant milestone was the high-level dialogue convened by the Presidential Executive Secretary involving senior Government officials, employer representatives and trade union leaders. This demonstrated commitment at the highest levels of the Government to strengthening confidence in the country's industrial relations system. Taken together, these initiatives represent a serious effort to rebuild trust, deepen dialogue and strengthen cooperation among the social partners.

Third, these reforms and dialogue mechanisms are producing measurable results. Philippine employers note that many allegations repeatedly cited in discussions concerning the Philippines relate to events that occurred several years ago. Since then, extensive information has been provided by the Government and significant efforts have been undertaken to address these concerns raised by the supervisory bodies. Progress in collective bargaining continues. As of June 2025, there were 1,278 registered CBAs covering more than 313,000 workers in the private sector with additional agreements covering workers in electric cooperatives, most notably the number of registered agreements increased by approximately 7.3 per cent compared with the previous year. These figures represent real workers benefitting from collective bargaining and real enterprises participating in social dialogue. They demonstrate that collective bargaining remains active and continues to expand. While challenges remain, particularly given the size of the informal economy and the prevalence of micro and small enterprises, the overall trajectory is moving in a positive direction.

When we review the evidence objectively, three achievements stand out. First, the strengthening of accountability and coordination mechanisms through Executive Order No. 23 and related reforms. Second, the development of a reform agenda through the Leader's Forum statement, the Freedom of Association Roadmap and the revitalization of the NTIPC. Third, the continued growth of collective bargaining coverage alongside sustained engagement with the ILO supervisory process. These are not characteristics of a country refusing to engage with international labour standards. Rather, they are the characteristics of a country actively working to address concerns through dialogue, cooperation and institutional reform. For this reason, Philippine employers respectfully submit that the progress achieved by the Philippines merits recognition within the Committee's assessment. Continued encouragement of these efforts supported by technical assistance and constructive engagement will contribute more effectively to the realization of the Convention than a focus on past allegations alone.

We therefore respectfully request that the ILO continue providing technical assistance to support ongoing reforms. Technical cooperation, capacity-building and continued engagement with the social partners will do far more to advance freedom of association and collective bargaining than repeated scrutiny alone. We likewise encourage a constructive and evidence-based consideration of the issues before the Committee consistent with the principles of fairness, objectivity and due process. The Philippines has chosen engagement over confrontation, reform over complacency and dialogue over division. The Philippines does not seek exemption from scrutiny. It seeks recognition of progress.

Encouragement for continued reform and support for the constructive efforts already being undertaken by the Government, employers and workers alike. Philippine employers therefore respectfully urge the Committee to acknowledge the substantial progress achieved, encourage the continuation of ongoing reforms, support enhanced technical cooperation and reinforce the positive trajectory that is already underway. By supporting continued engagement and constructive tripartite action, the Committee can make its most meaningful contribution to further realization of freedom of association and collective bargaining in the Philippines.

Presidenta – Antes de pasar la palabra al siguiente orador les quiero pedir encarecidamente, que todos sean respetuosos del tiempo, considerando la hora que es y que todavía tenemos 17 oradores para Filipinas y después tenemos el caso de Bosnia y Herzegovina. Así que voy a tener que ser muy estricta con el tiempo. Damos ahora la palabra al Sr. Stefanis Baloutas, miembro gubernamental de Chipre, que habla en nombre de la Unión Europea.

Government member, Cyprus, speaking on behalf of the European Union (EU) and its Member States (Mr BALOUTAS) – The candidate countries, North Macedonia, Montenegro, Albania, Ukraine and Republic of Moldova, as well as the European Free Trade Association (EFTA) country Norway, member of the European Economic Area, align themselves with this statement. First of all, we would like to express our solidarity to the people of the Philippines following the aftermath of the recent earthquake that hit southern Philippines. We are committed to the respect, protection and fulfilment of labour rights including the right to organize and to collective bargaining.

We promote universal ratification and effective implementation of fundamental ILO Conventions and support the ILO supervisory system in its crucial role of promoting and supervising the application of ratified standards. We recall that the Philippines have ratified the Convention in 1953. We are concerned by the latest observation of the Committee of Experts regarding the application of this fundamental Convention. We note with concern the lack of detailed information provided by the Government on the allegations raised by the International Trade Union Confederation (ITUC) and the observations of the 2018 report of the Committee of Experts, which concern alleged union busting practices, black-listing and anti-union dismissals and suspensions in three companies. We recall the Committee of Experts' observations that despite measures taken by the Government, the latter needs to intensify its efforts to ensure that all workers covered by the Convention can effectively benefit from its guarantees including the right to collective bargaining.

We further call on the Government to engage in dialogue with the social partners to explore ways of operationalizing collective bargaining for self-employed workers and non-standard categories of workers including those working in the informal economy. We call on the Government to engage in consultations with the social partners concerned to explore ways that would allow all workers covered by the Convention, including public sector employees not engaged in the administration of the State, to negotiate their terms and conditions of employment. These should include negotiating wages, benefits, allowances and working time. We ask the Government to take the necessary measures to that effect. We welcome the increase in the number of collective agreements concluded.

Nevertheless, we are concerned that the number of workers covered by these agreements continues to be extremely low compared to the overall size of the working population in the country. We therefore call on the Government to continue taking all necessary legal and practical measures to promote the full development and utilization of

collective bargaining under the Convention. We will continue to follow the situation closely and remain committed to promoting the right to organize and to collective bargaining. In this regard, we invite the Government to avail itself of the technical assistance of the ILO.

Presidenta – Pasamos ahora la palabra a la Sra. Pg Siti Khatizah Pg Haji Bakar, miembro gubernamental de Brunei Darussalam, quien habla en representación de la Asociación de Naciones del Asia Sur Oriental (ASEAN).

Government member, Brunei Darussalam (Ms PG HAJI BAKAR) – I have the honour to deliver this statement on behalf of ASEAN. ASEAN recognizes that the Committee's work remains relevant in providing guidance to countries to ensure full respect for fundamental principles and rights at work. We note the Philippines' constructive and cooperative engagement with the ILO supervisory process, including timely submission of requested reports and information, particularly for the issues raised in the report of the Committee of Experts. On the issues addressed by the Committee of Experts, we note the concerns raised on the issue of collective bargaining in electric cooperatives and recognize the concrete actions taken by the Government to address the issue prior to this discussion. We recognize the importance of this sector to the Philippine economy and public interest. We, therefore, encourage the Government to continue engaging workers' and employers' organizations, as well as relevant regulatory agencies to work towards a workable solution that respects collective bargaining rights and public interest considerations, including the finalization of a manual on collective bargaining in electric cooperatives.

On assumption of jurisdiction, we note the diverse views and support continued discussions between the social partners and the Government in this regard. We also note the Philippines' clarification that within its labour relation system, this mechanism is used exceptionally and with due regard to the specific nature of the case and impact on national interest.

On determination of bargaining representative, we welcome the Government's assurance that the recent ruling of the Court of Appeals will not diminish the right of workers to collective bargaining. We encourage the continued dialogue and consultation with the social partners to ensure that the process remains objective, impartial and supportive of workers' right to collective bargaining.

On issues related to the scope and content of collective bargaining, both in the informal economy and the public sector, we note that the Convention allows flexibility in its application consistent with national conditions. In this regard, we encourage the Government and the social partners to work together constructively towards a way forward that takes into account both collective bargaining rights and the country's socio-economic landscape.

We believe that the Government's commitment to social dialogue has resulted in tangible results. In the past, the Committee examined the Philippines' application of Convention No. 87. Since then, substantial progress has been made which the Committee of Experts also noted with interest in its report. ASEAN is confident that the Philippines, in consultation with social partners, can achieve similar results in relation to Convention No. 98. Finally, we share the Government's view that the present discussion should focus on matters addressed by the Committee of Experts' report. This ensures a balanced discussion that is respectful of time, mandate and resources of the Committee and remains consistent with the objective of ILO supervisory mechanism.

Presidenta – Damos la palabra al Sr. Dato Seri Rosman Mohamed, quien es portavoz de los empleadores de Malasia.

Employer member, Malaysia (Mr MOHAMED) – The Malaysian Employers' Federation (MEF) wishes to recognize the efforts of the Government to promote collective bargaining while taking into account national circumstances, public interest considerations and the specific characteristics of regulated sectors. The Convention promotes voluntary collective bargaining and constructive social dialogue. At the same time, its implementation must be assessed within national legal and institutional frameworks, particularly in sectors that provide essential services to the public. In this regard, we take note of the Government's explanation concerning electric cooperatives. These entities are entrusted with ensuring reliable and affordable electricity services, particularly in rural and geographically isolated communities.

We understand that the measures adopted by the relevant authorities were intended to take into account social and economic considerations while safeguarding the operational and financial viability of these cooperatives and the continuity of electricity services. We also note that the Government has addressed the concerns raised through dialogue and consultation. The DOLE convened discussions involving the NEA, trade union POWER-SENTRO and other stakeholders and the contested issuance has been suspended pending further consultations. This demonstrates a commitment to tripartism and the use of an established mechanism to address differences constructively. We further welcome the ongoing efforts to develop a collective bargaining manual for the power sector and the proposal to establish a national tripartite council for electric cooperatives. This initiative seeks to promote clarity, consistency and cooperation among the parties concerned and provide a framework for addressing issues through dialogue.

Taken together, these developments demonstrate that domestic institutions are functioning and that concerns raised by the social partners are being addressed through consultation and engagement. They also reflect a willingness to pursue practical solutions that balance the interests of workers, employers, regulators and the communities served by electric cooperatives. The MEF therefore encourages the Philippines to continue its engagement with workers' organizations and other stakeholders in the spirit of cooperation. We likewise encourage continued efforts to strengthen collective bargaining practices while recognizing the public interest, responsibility entrusted to electric cooperatives.

In this context, we encourage the Committee to adopt conclusions that support voluntary collective bargaining, recognize national conditions and allow ongoing domestic processes to continue producing practical and sustainable results consistent with the objectives of the Convention.

Presidenta – Damos ahora la palabra al Sra. Ocmin, quien habla en representación de los trabajadores de Italia.

Miembro trabajadora, Italia (Sra. OCMIN) – Intervengo en nombre de la delegación de trabajadores italianos.

Deseamos expresar nuestra seria preocupación por el incumplimiento persistente de Filipinas respecto del Convenio.

En primer lugar, deseamos señalar a la atención de la Comisión el uso abusivo y continuado del mecanismo de admisión de competencia. El poder de admisión de competencia - un vestigio del sistema autoritario de relaciones laborales impuesto durante la dictadura de Marcos, en los años 70 - otorga al Ejecutivo poderes extraordinarios para suspender huelgas, obligar al retorno al trabajo y, en la práctica, determinar el resultado de conflictos laborales.

Esos poderes han sido criticados reiteradamente por los órganos de control de la OIT por ser incompatibles con los principios de libertad sindical y negociación colectiva cuando se aplican más allá de los servicios verdaderamente esenciales.

En respuesta a las reiteradas observaciones de la OIT el Gobierno Aquino emitió la orden del departamental número 40-H-13 del 2013, que intentó expresamente delimitar el alcance de las industrias consideradas indispensables para el interés nacional y aproximar las prácticas filipinas a las normas internacionales del trabajo. Esta reforma representó el reconocimiento del propio Gobierno que el uso irrestricto de la admisión de competencia era problemático y requería límites claros.

Sin embargo, a pesar de la vigencia de la orden departamental, el departamento del trabajo continúa invocando la admisión de competencia en sectores que claramente exceden la definición estricta contemplada por la orden y por la jurisprudencia de la OIT.

La cuestión ante la Comisión ya no es solo de incumplimiento del Convenio, es también una cuestión de que el Gobierno hace caso omiso de las propias normas adoptadas en respuesta a críticas anteriores de la OIT.

El propio Gobierno reconoce que estos poderes se han ejercido en una amplia gama de sectores bajo el concepto expansivo e impreciso de interés nacional. Este enfoque es incompatible con los principios establecidos de la OIT, según los cuales las restricciones al derecho de acción industrial deben limitarse a los servicios cuya interrupción ponga en peligro la vida, la seguridad personal o la salud, o de la totalidad o de parte de la población.

Las consecuencias son profundas cuando las y los empleadores saben que el Estado debe intervenir en cualquier etapa para suspender o neutralizar el derecho de acción industrial, se debilitan los incentivos para la negociación colectiva genuina, las negociaciones dejan de ser libres y voluntarias y pasan a depender de la intervención administrativa.

Observamos también preocupaciones persistentes respecto de los procedimientos de reconocimiento sindical, las restricciones que afectan a las y los trabajadores de cooperativas eléctricas y la implementación tardía del Convenio núm. 151 en el sector público. Estos temas refuerzan la necesidad de reformas integrales para fortalecer los derechos de negociación colectiva en Filipinas.

Por ello instamos a la Comisión a solicitar al Gobierno que ponga fin al uso abusivo de la admisión de competencia, aplique fielmente la orden departamental número 40-H-13, limite estrictamente toda intervención a los servicios verdaderamente esenciales de conformidad con los principios de la OIT, y emprenda las reformas necesarias para garantizar el pleno cumplimiento de los Convenios núms. 98 y 151.

Presidenta – Damos ahora la palabra al Sr. Darwoto, quien habla en representación de los empleadores de Indonesia.

Employer member, Indonesia (Mr DARWOTO) – The Employer Association of Indonesia (BINDO) wishes to emphasize the importance of the rule of law in the application of the Convention. Effective industrial relations systems depend not only on the recognition of rights but also on the institutions capable of interpreting, implementing and enforcing those rights in predictable and lawful manner. In this regard, the information provided by the Government demonstrates that its legal and institutional mechanisms are functioning. Courts have reviewed measures affecting labour relations, competent authorities have complied with judicial decisions and the Government has taken steps to ensure that the labour relations continue to operate within the framework established by law. We further note that in

complying with the court's ruling, the Government took measures to preserve stability in existing or active bargaining relationships. This reflects an effort to uphold the rule of law while maintaining continuity and certainty for workers, employers and bargaining units. We also take note of the Government's clarification that the court's decision should not be interpreted as diminishing collective bargaining rights. Rather, it reaffirmed the process established under the Labour Code for determining the sole and exclusive bargaining agent through certification elections. Certification elections remain an important democratic mechanism in labor relations. Through this process, workers are able to choose their bargaining representative by secret ballot under the supervision of the DOLE, supported by safeguards intended to protect workers' freedom of choice. These developments demonstrate that concerns arising within the labour relations system can be addressed through established legal and institutional processes. Indonesian employers therefore encourage the Committee to recognize these institutional responses and support continued implementation through social dialogue and lawful procedures.

With respect to the issue of assumption of jurisdiction, we note the Government's explanation that this is an exceptional mechanism intended to preserve industrial peace and prevent labour disputes from escalating in industries affecting the national interest.

We encourage the Committee to examine this matter carefully and within the proper scope of the Convention. It is important to recognize that the Government may, in exceptional circumstances, face the responsibility of balancing the protection of workers' rights with broader public interests and the need to maintain social and economic stability. In our view, conclusions should recognize both objectives: the promotion of collective bargaining and workers' rights on the hand, and the legitimate role of states in safeguarding industrial peace and public welfare in exceptional situations on the other.

Presidenta – Pasamos la palabra ahora a la Sra. Mathilde Frapard, que habla en representación de los trabajadores de Francia.

Membre travailleuse, France (M^{me} FRAPARD) – Aux Philippines, des millions de travailleurs ne peuvent toujours pas exercer pleinement leur droit à la négociation collective. Sur plus de 50 millions de travailleurs, seuls 307 788 sont couverts par des conventions collectives, ce qui représente à peine 1 pour cent de la main-d'œuvre. Pour eux, la convention reste une promesse non tenue.

Je commencerai par évoquer l'exclusion des gardiens de prison, du personnel pénitentiaire et des pompiers, qui n'exercent pas de fonctions directement liées à la sécurité nationale. Ceux-ci restent privés du droit de s'organiser et de négocier collectivement, malgré la ratification par les Philippines de la convention de l'OIT n° 151.

En théorie, l'arrêté ministériel n° 174 de 2017 prévoit que les travailleurs mis à disposition par des agences ou des coopératives de travail bénéficient des mêmes droits que les travailleurs directement employés par l'entreprise utilisatrice.

Mais dans la pratique, ces droits n'existent souvent que sur le papier. Les travailleurs embauchés dans le cadre de contrats de sous-traitance sont confrontés à des conditions d'emploi précaires, à des contrats de courte durée et à une insécurité permanente. Un travailleur qui ne sait pas s'il aura encore un emploi le mois suivant a peu de chances de négocier de meilleurs salaires pour l'année suivante.

Le problème est aggravé par le recours croissant au faux travail indépendant, notamment dans les secteurs de l'agriculture, de la production alimentaire, des transports et des services de livraison.

Étant donné que le droit à la négociation collective, tel que prévu par la législation philippine, n'est protégé que pour les travailleurs bénéficiant d'une relation d'emploi formelle, les travailleurs en situation d'emploi déguisé sont classés comme entrepreneurs indépendants – au seul motif qu'ils possèdent une moto, un vélo ou un véhicule.

Pourtant, leur travail est contrôlé, surveillé et organisé par la plateforme ou l'entreprise qui les emploie. C'est l'entreprise qui détient l'algorithme, qui contrôle les itinéraires, les clients, les évaluations et, en fin de compte, le moyen de subsistance du travailleur.

Malgré une série de décisions judiciaires reconnaissant le statut de salarié pour des livreurs à vélo, la législation du travail aux Philippines reste impuissante face à la pratique répandue du travail déguisé dans le secteur en pleine expansion de l'économie des plateformes.

Enfin, les syndicats qui revendiquent le droit à la négociation collective continuent d'être toujours exposés au «red-tagging» – pratique consistant à associer publiquement des syndicalistes à des groupes subversifs ou insurgés. Un droit exercé dans la crainte n'est pas un droit pleinement exercé.

Les travailleurs ne devraient pas avoir à choisir entre conserver leur emploi et faire valoir leurs droits. La négociation collective ne peut se développer là où les dirigeants syndicaux sont licenciés, là où les unités de négociation disparaissent du jour au lendemain, là où les travailleurs sont présentés comme des prestataires indépendants, ou encore là où la peur plane sur chaque tentative de syndicalisation.

Presidenta – Pasamos ahora al uso de la palabra al Sr. Sophoan Tep, quien habla en representación de los empleadores de Camboya.

Employer member, Cambodia (Mr TEP) – The Cambodian Federation of Employers and Business Associations (CAMFEBA) support a constructive and forward-looking approach in this case concerning the Philippines under the Convention. The discussion before the Committee highlights the practical challenges involved in extending collective bargaining opportunities to all workers. These include questions relating to public sector bargaining, non-standard forms of employment and workers in the informal economy. We note that the Committee of Experts has encouraged the Government to continue dialogue with the social partners, with the support of technical assistance from the Office, to explore practical ways of extending collective bargaining opportunities to workers in the informal economy and those in the non-standard forms of employment.

We also note the Committee of Experts' encouragement for continued consultations on public sector bargaining. In reality, public administration often involves specific legal, constitutional and budgetary considerations. While these should not prevent meaningful dialogue, they may require solutions that take account of national circumstances and legal frameworks. In this regard, technical assistance can play an important role in helping Governments and social partners identify practical approaches that advance the objectives of the Convention while remaining consistent with domestic law. We therefore encourage continued engagement among the Government, employers, workers and the Office.

The Committee of Experts has also considered allegations concerning anti-union discrimination, interference, harassment and violence. We fully agree that such allegations must be treated seriously and investigated promptly. Respect for freedoms of association and collective bargaining requires an environment in which rights can be exercised freely from intimidation and unlawful interference. At the same time, effective action depends on establishing the relevant facts and ensuring due process. Distinguishing between established

violations, pending cases and allegations that remain under investigation is important for both accountability and fairness.

Where allegations involve threats, violence or other criminal acts, responses often require coordination among labour authorities, law enforcement agencies, prosecutors and other competent institutions. These issues extend beyond labour administration alone and require a coordinated approach. The CAMFEBA therefore encourages the promotion of the ECOP, continued social dialogue, technical cooperation and institutional building as the most constructive means of advancing the objectives of the Convention. We believe that sustained engagement among the Government, workers, employers and the Office offers the best path toward practical solutions, strong labour relations and the effective implementation of the Convention.

Presidenta – Pasamos la palabra ahora a la Sra. Elly Rosita Silaban, quien habla en representación de los trabajadores de Indonesia.

Worker member, Indonesia (Ms SILABAN) – The Philippines has long recognized the right of Government employees to form and join unions. This is an important achievement and deserves recognition. However, the Convention is not only about the existence of unions. It is about promoting voluntary collective bargaining as a means of determining terms and conditions of employment.

In the Philippine public sector, significant challenges remain. Executive Order No. 180 recognizes the right to organize but limits collective negotiations to matters not otherwise fixed by law. As a result, key issues such as wages, allowances and many economic benefits remain outside meaningful bargaining. The Committee of Experts has consistently emphasized that workers covered by the Convention should be able to negotiate terms and conditions of employment including wages, benefits, allowances and working time. This concern is particularly relevant given the composition of the public workforce.

Government data indicate that the public sector employs around 2.1 million workers, including approximately 920,000 job order and contract of service workers. These workers perform regular and essential public functions. They support local government services, hospitals, educational institutions, government programmes and administrative operations. Yet, many remain excluded from a collective bargaining mechanism because they are not considered Government employees for purposes of public sector labour relations. This means that nearly 1 million workers who help deliver public services have no effective access to collective bargaining.

The Committee may also wish to consider the broad exclusion under Executive Order No. 180. While international labour standards recognize that public servants engaged in the administration of the state may be treated differently, this exception should remain limited. Teachers, nurses, university personnel, local government workers and other public employees who are not engaged in the administration of the State should not be deprived of meaningful collective bargaining rights.

The Philippines has made important progress in recognizing public sector unions and establishing collective negotiation mechanisms. These efforts deserve acknowledgement. However, the continued exclusion of a large segment of the public workforce and the limited scope of negotiable matters demonstrate that further reforms are necessary to fully realize the objectives of the Convention.

We therefore encourage the Government, in consultation with workers' and employers' organizations, to review existing laws and practices affecting collective bargaining in the public

sector including the situation of job order and contract of service workers. A worker who delivers public services should not lose their right to a meaningful voice simply because the employer is the State.

Presidenta – Pasamos el uso de la palabra a la Sra. Isabelle Doyen, que habla en nombre de los trabajadores de Bélgica.

Membre travailleuse, Belgique (M^{me} DOYEN) – J'interviens au nom des travailleurs belges, néerlandais et des pays nordiques. L'examen de la situation aux Philippines au regard de la convention ne peut ignorer le problème gigantesque de la contractualisation. L'expansion rapide du travail contractuel et d'autres formes d'emploi précaires a, dans les faits, rendu la négociation collective inaccessible à des millions de travailleurs. Pour beaucoup d'entre eux, le droit de négocier collectivement existe en droit, mais disparaît au portail de l'usine.

Malgré l'ampleur du problème, le gouvernement ne fournit pas de statistiques complètes sur l'étendue et les formes de la contractualisation. Une estimation datant de mars 2026 suggère qu'entre 60 et 70 pour cent des 31,3 millions de salariés du pays sont engagés dans des contrats de travail multipartites. Dans certains secteurs, l'emploi régulier est devenu l'exception. Dans les exploitations de transformation des fruits, par exemple, le rapport entre les travailleurs réguliers et les travailleurs contractuels serait passé de 1 pour 4 en 2016, à environ 1 pour 14 aujourd'hui.

En principe, l'arrêté n° 174 de 2017 du ministère du Travail et de l'Emploi accorde aux travailleurs contractuels les mêmes droits qu'aux travailleurs réguliers, y compris le droit d'organisation et de négociation collective. Dans la pratique, cependant, les travailleurs sont souvent contraints de négocier avec des agences de placement, des coopératives ou des intermédiaires plutôt qu'avec l'entreprise principale qui contrôle le lieu de travail et bénéficie de leur travail. Ainsi, le véritable décideur reste dans l'ombre.

Le recours généralisé à des contrats courts et successifs engendre l'insécurité et dissuade les travailleurs de se syndiquer ou de faire valoir leurs droits. Les travailleurs qui craignent de perdre leur emploi demain sont, à juste titre, réticents à négocier de meilleures conditions aujourd'hui.

Cette situation est d'autant plus préoccupante que le Code du travail prévoit déjà une solution: l'article 106 habilite expressément le ministre du Travail à restreindre ou à interdire le travail contractuel pour protéger les droits des travailleurs. Mais malheureusement, ce pouvoir reste largement sous-utilisé.

Même lorsque les inspections du travail concluent que les travailleurs sont des travailleurs réguliers, leurs conclusions ne sont pas toujours confirmées. À Palawan, par exemple, les autorités régionales du DOLE ont estimé qu'environ 600 ouvriers d'un acteur majeur de l'ingénierie étaient des travailleurs réguliers. Cependant, cette décision a été infirmée en appel par le bureau du secrétaire. Des revirements similaires sont recensés dans l'industrie textile, touchant des centaines de travailleurs. De tels résultats affaiblissent inévitablement la confiance dans les mécanismes d'inspection du travail et d'application de la loi.

La convention ne vise pas seulement à permettre aux travailleurs de constituer des syndicats. Elle vise à garantir qu'ils aient un interlocuteur valable avec lequel négocier, une sécurité suffisante et un cadre juridique qui encourage la négociation collective.

La négociation collective ne peut prospérer si les travailleurs sont traités comme des employés temporaires, jetables ou invisibles. Un travailleur dont le contrat expire après

quelques mois a peu de chances de négocier un avenir meilleur; le plus souvent, il négocie pour conserver son emploi le lendemain.

Presidenta – Pasamos el uso de la palabra a Sra. Mikyung Ryu, quien habla en representación de los trabajadores de la República de Corea.

Worker member, Republic of Korea (Ms RYU) – Let me begin by repeating the figures. Out of 51.65 million economically active population, only 308,956 workers, less than 1 per cent are covered by CBAs or CNAs. This is the reality behind today's case. Under the Convention, the central obligation of the Government is to facilitate collective bargaining. Article 4 requires it to actively encourage and promote bargaining, not merely to permit it.

In its written information, the Government tells the Committee that the invalidation of DO 40-J, the procedure for certifying unions as the sole and exclusive bargaining agent (SEBA), changed nothing of substance, and that collective bargaining rights remain fully respected.

The procedure in question allowed a union that had already proven its majority, a single union organizing most of the workers in an establishment, to be recognized as the bargaining agent and to begin bargaining without delay. This was exactly the facilitation that Article 4 of the Convention requires. When an employer had it struck down in court, for not being expressly written into the statute, the Government had two proper responses: to defend the mechanism before the Supreme Court, or to legislate and fill the gap. It did neither. Instead, it discontinued DO 40-J for all workers. The Government abandoned its obligation under the Convention.

The Committee of Experts asked the Government to explain the practical impact of this change. Its written information does not answer. Let me answer, with two cases.

In the first, delivery workers at a platform company in the Cavite region had gathered majority signatures and sought recognition directly. When DO 40-J was struck down, their request became a full certification election. That delay is not harmless: workers are dismissed, reclassified or discouraged before bargaining can begin.

In the second, at another platform company, a union of riders had been certified as the bargaining agent. Yet the company dismissed its president and reclassified the riders as independent contractors. When the labour commission ordered 131 of them reinstated, the company refused to reinstate them or to bargain, claiming no bargaining unit remained. The certified unit was dismantled before bargaining ever began. This is the practical impact. The right to bargain collectively was recognized in form and defeated in fact.

In conclusion, Korean workers urge the Government to continue to make an expedited process for certification available to unions not involved in the case decided by the Court of Appeals and to secure a legislative measure which allows for expedited certification of unions with clear majority status.

Presidenta – Damos ahora la palabra al Sr. Felix Anthony, quien representa los trabajadores de Fiji.

Worker member, Fiji (Mr ANTHONY) – I can say that the examination of the Philippines under the Convention would be incomplete without addressing the continuing interference of the NEA in collective bargaining through NEA Memorandum Circular No. 2023-052, which subjected collective bargaining agreements to NEA review and approval. This effectively inserted a third party into what should be a bipartite process between workers and management.

For more than a decade, workers' organizations have raised concerns before the ILO regarding restrictions affecting approximately 20,000 workers in 120 electric cooperatives serving some 15 million member-consumer households. These concerns go to the very heart of the Convention: the promotion of free and voluntary collective bargaining.

The Committee of Experts has already observed that third-party intervention in collective bargaining substantially alters its bipartite character and is not conducive to voluntary collective bargaining. Yet NEA continues to exert influence over labour relations in the sector.

NEA exercises extensive control and authority over electric cooperatives. It is the registrar, bank, supervisor and regulator of electric cooperatives. NEA, rather than the member-consumers of the cooperative, is fully empowered to disqualify, suspend, remove or replace directors and officers. Member-consumers, who should be the true owners of the cooperative, do not exercise meaningful control over operations, do not receive dividends and possess no true ownership rights beyond electing board members.

Revocation or suspension of NEA MC 2025-052 is not sufficient to address the lack of freedom of association and collective bargaining in electric cooperatives. Even if the Government says that it has currently suspended MC 2025-052, the practical effect is that, without provision for observing the Labour Code framework in CBAs, it will restore MC 2014-003, which has the same effect as MC 2025-052.

As long as there is no NEA issuance on the claimed implementation of the Labour Code framework in electric cooperatives, violation of Article 4 of the Convention will persist, and CBAs in electric cooperatives will only be just for show.

We note that the tripartite has reportedly supported the total revocation of MC 2025-052. But we stress that the tripartite also pushed for the committed DOLE-NEA issuance on the full observance of freedom of association and collective bargaining in electric cooperatives.

Presidenta – Pasamos ahora la palabra al Sr. Kirill Buketov, que habla en representación de la Organización Sindical Mundial Alimentaria, Agrícola, Hotelera y Más.

Observer, International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Associations (IUF) (Mr BUKETOV) – The Committee of Experts repeatedly emphasized that restrictions on industrial action in the name of the national interest must be limited to essential services in the strict sense of the term, namely services whose interruption will endanger the life, personal safety or health of the whole or part of the population.

We wish to address the growing pattern which has emerged whereby employers, particularly large multinational corporations, are able to secure administrative intervention from the DOLE through the Secretary of Labour and Employment's assumption of jurisdiction powers whenever collective bargaining negotiations reach a deadlock. The following case demonstrates how these powers are being used in practice.

On 26 September 2024, a very big company, which calls itself "the leading manufacturer and supplier of carbonated and non-alcoholic beverages", filed a petition of assumption of jurisdiction over two disputes at their transport operations premises in greater Manila and South Luzon. Following prolonged collective bargaining negotiations and failed mediation, trade unions representing delivery and logistics workers sought to address discriminatory treatment in health, accident insurance and pension benefits.

Rather than engage in meaningful negotiations, the management of this company allowed bargaining to deadlock and, once workers voted in favour of industrial action in

accordance with the law, petitioned the Secretary of Labour and Employment to assume jurisdiction over the dispute. As a result, the trade unions were prevented from exercising their collective power and were ultimately compelled to abandon their demands. In 2025, three additional trade unions representing workers of the same “world leading brown soda company” in Isabela and Bulacan experienced the same pattern.

The interventions of the Secretary of Labour and Employment were based on the employer’s assertion that distribution of carbonated soft drinks were indispensable to the national interest. This classification effectively transformed an ordinary collective bargaining dispute into a matter of state intervention and deprived workers of the necessary leverage for genuine collective bargaining.

These cases reveal a structural problem. Employers have come to regard the assumption of jurisdiction as a predictable mechanism through which they can avoid the economic consequences of failed bargaining and they have diminished incentives to negotiate in good faith.

Collective bargaining cannot be considered voluntary where the State intervenes to suspend industrial action. We call on the Government to abandon this practice and reconstruct in practice the fundamental workers’ rights under the Convention.

Presidenta – Pasamos ahora la palabra al Sr. Camilo Rubiano, que habla en representación de la Internacional de Servicios Públicos.

Observador, Internacional de Servicios Públicos (ISP) (Sr. RUBIANO) – En primer lugar, queremos destacar que al ratificar el Convenio núm. 151, Filipinas ha dado un paso importante para otorgar derechos de negociación colectiva a los trabajadores del sector público. Esto merece un reconocimiento.

Sin embargo, todavía persisten problemas y me gustaría mencionar algunos de ellos. Según el decreto ejecutivo núm. 180, solo se pueden negociar los términos y condiciones que no estén fijados por ley. Actualmente, los salarios, las prestaciones, las asignaciones y la jornada laboral están excluidos de las negociaciones. Estas no son omisiones menores, la remuneración y la jornada laboral, son sin duda los temas más importantes para los trabajadores ya que constituyen la base de cualquier convenio laboral justo, impactando directamente en su sustento, satisfacción laboral y bienestar general. Si bien el Gobierno informó a Comisión de Expertos que sigue abierto a explorar mecanismos alternativos a la negociación colectiva en materia de remuneración aún no se han concretado consultas al respecto.

La misma legislación sigue impidiendo que bomberos, guardias penitenciarios, y trabajadores subcontratados de la administración pública se beneficien de la negociación colectiva. La jurisprudencia de los órganos de supervisión de la OIT establece claramente que las funciones de estas categorías de trabajadores no justifican su exclusión de la aplicación del Convenio.

El procedimiento para certificar al Agente Negociador Único y Exclusivo sigue siendo un obstáculo importante. Además de requerir una mayoría absoluta para obtener esta certificación, las diferentes definiciones de unidad de negociación en las distintas estructuras gubernamentales representan otra barrera significativa para los sindicatos. Por ejemplo, en el sector de la educación básica, que emplea más de 900 mil docentes, una oficina regional se considera una unidad organizativa. Sin embargo, cada región cuenta con entre 20 mil y 95 mil docentes de escuelas públicas. Según las directrices actuales, la afiliación sindical requiere el apoyo del 10 por ciento de los empleados de dicha unidad. Para los docentes de escuelas

públicas, esto se traduce en un umbral excepcionalmente alto de entre 2 000 y 9 000 miembros solo para iniciar las negociaciones.

Las trabajadoras de salud comunitarias, en su mayoría mujeres de bajos ingresos, son la columna vertebral de la atención primaria de salud en Filipinas. A finales de 2025 había más de 270 mil de ellas operando en los 26 mil centros de salud del país, brindando servicios esenciales en zonas remotas y marginadas. A pesar de su papel indispensable, la Ley 7883 clasifica a estas trabajadoras como voluntarias negándoles un estatus formal laboral, salarios fijos y protección social, por lo tanto, no pueden negociar colectivamente. Sus estipendios mensuales, que oscilan entre unos 6 y un promedio de 51 dólares americanos, están muy por debajo del salario mínimo. Además, la mayoría no recibe compensación por riesgo, beneficios, ni subsidios de transporte, lo que las deja infravaloradas y vulnerables a pesar de su contribución.

Por ello instamos al Gobierno a que aborde estas cuestiones y garantice que, tanto la legislación como la práctica, cumplan con el Convenio.

Presidenta – No veo más solicitudes de palabra por lo cual invito ahora a la representante gubernamental de Filipinas, la Sra. Maria Consuelo Bacay, Subsecretaria del Departamento de Trabajo y Empleo, a que formule sus conclusiones.

The Government representative (Ms BACAY) – We respectfully request the Committee's indulgence to allow the Government to respond and clarify the matters raised, point-by-point.

The Government recognizes the close relationship between Conventions Nos 87 and 98. We also fully respect the rights of workers' organizations to raise concerns before the ILO supervisory bodies.

We note the following interventions referring to observations closely related to Convention No. 87, particularly the Workers' Rights Watch Report mentioning the recommendations of the ILO High-Level Tripartite Mission. This refers to the:

- Alleged red-tagging, threats, and surveillance of union workers.
- Alleged illegal detention and trumped-up charges against union workers.
- Call for the abolition and defunding of the NTF-ELCAC.

These concerns relate to Convention No. 87. In September 2025, the Government submitted reports on the progress of these recommendations, including the implementation of the Tripartite Roadmap on Freedom of Association. As there is a tripartite understanding that the Roadmap is a living document, the Government respectfully submits that the issues raised concerning Convention No. 87 can be addressed within this framework and through existing tripartite and bipartite social dialogue processes.

General allegations of violations, union busting and unfair labour practice are concerns that can be more effectively addressed when they are supported by specific facts and raised at the earliest opportunity before domestic mechanisms. This does not mean that the Government disregards the concerns raised. On the contrary, where specific cases have been identified, they have either been acted upon or remain subject to available administrative and judicial remedies.

In the informal economy and non-standard forms of work, we respectfully reiterate that the issue is not the absence of legal avenues for organization and representation but the need to develop mechanisms suited to informal work. Workers in the informal economy may form associations and negotiate with appropriate authorities for mutual aid and protection. The

issues on the platform economy are valid and a global concern. This is the precise reason why the Philippines is actively participating in the standard-setting discussions and awaits the results of the negotiations on the proposed Convention complemented by a Recommendation.

On the right to bargaining in the public sector, we wish to inform the Committee that there are registered organizations in the Bureau of Fire Protection and the Bureau of Corrections and these organizations have existing CNAs. There are also CNAs covering civilians or non-uniformed employees of the National Police Commission, the Department of National Defence, the Philippine Army and the Philippine Coast Guard.

On the limitations in the contents of collective bargaining in the public sector, the Government respectfully submits that this matter is governed by the Constitution. Under the Constitution, no public funds may be paid except pursuant to an appropriation made by law. This does not diminish collective negotiation in the public sector. Rather, it ensures that such negotiation remains consistent with public accountability, fiscal responsibility and the lawful use of public funds as directed by the Constitution.

On the issue of electric cooperatives, we recall the guidance of the Committee of Experts in the 2012 General Survey that public interest may be taken into account in the bargaining process. The Government emphasizes that electric cooperatives are public utilities and they are engaged in a service imbued with public interest. Electricity in the Philippines remains among the most expensive in Southeast Asia. As a developing country, uninterrupted and affordable electricity is essential, particularly in rural and geographically isolated communities. For these reasons, electric cooperatives are subject to State regulation.

As I have mentioned in my opening, the action of the NEA was prompted by the need to correct collective bargaining practices that negatively affected the viability of several electric cooperatives. Nonetheless, through social dialogue, progress has been made toward finding a workable bargaining framework that respects the workers' right to bargain collectively, on the one hand, and the public interest, on the other.

On the removal of the SEBA certification under the DO 40-J, we need to emphasize that it was not revoked unilaterally by the Government but was made in compliance with the decision of the judiciary.

The Committee of Experts itself recognizes that both compulsory and voluntary recognition systems are acceptable, and that a compulsory recognition system is not by itself inconsistent with the Convention. In the Philippine jurisdiction, certification election is the most democratic way for the workers to choose their representatives. When filed in unorganized establishments, it is automatic and is not subject to appeal. Nonetheless, as I have mentioned in my opening statement, we remain committed to working with the social partners in monitoring the impact of the court's decision and in formulating a more expedited certification system in unorganized establishments.

On the specific cases mentioned by the Worker members involving alleged delays, the Government acknowledges the concern on the duration of arbitration proceedings. At the same time, labour arbitration must observe due process, including proper notice, opportunity to be heard, submission of evidence, and reasoned adjudication. Some cases take longer because of postponements, settlement efforts, motions and appeals. The Government continues to improve case management and disposition of labour cases but speed must be balanced with fairness, due process, and the enforceability of decisions.

On the alleged decrease in collective bargaining coverage, this is not a challenge unique to the Philippines. Globally, collective bargaining coverage and union density have been under

pressure due to informality and non-standard work. In its 2025 and 2026 reports, the ITUC's Global Rights Index itself acknowledges that this is a concern in 121 countries. In the Philippines, the purported declining collective bargaining coverage does not arise from a legal framework that restricts collective bargaining. In fact, the existing framework recognizes and protects this right. The Government is prepared to build on this foundation with the social partners to address gaps in practice.

On the issue of compulsory arbitration, called in the Philippines "assumption of jurisdiction", we submit that we have already explained, in our response dated 14 May 2026, why it is not inconsistent with freedom of association and the right to collective bargaining and how this authority is intended to protect workers, employers and the general public.

As emphasized in that report, the power of the Secretary of Labour and Employment to assume jurisdiction remains the exception rather than the rule. We have presented statistics to support this, including cases where trade unions themselves invoked the Secretary's authority in industries not traditionally classified as indispensable to national interest. For example, one case involving a bus company and two cases involving banana exporting companies. In these cases, the trade unions concerned cited as reasons the socio-economic impact of the labour disputes on the national economy, trade relations and government revenues. As the numbers demonstrate, the exercise of the power to assume jurisdiction is not automatic but guided by the imperatives of preserving employment and protecting public welfare.

May we also clarify that "assumption of jurisdiction" can only be invoked in three cases: (i) upon mutual agreement of both parties; (ii) *motu proprio*, after a conference; or (iii) upon petition or request by either party, also after a conference. Finally, this power is always subject to judicial review.

The Government notes the concern regarding possible legislative measures, including the implementing law of Convention No. 151. We respectfully emphasize that legislation follows a constitutional process and requires deliberations by the Congress, informed by national conditions and tripartite consultations. The Government remains open to working with the Congress and of course the social partners on proposals consistent with the Constitution, national law and practice, as well as the Convention.

The Government receives these concerns in the constructive spirit of the ILO supervisory mechanism and remains prepared to clarify, validate and act on concrete actions. At the same time, we respectfully emphasize that meaningful social dialogue cannot rest on government action alone. It requires the cooperation of all stakeholders concerned and must be grounded in mutual trust, respect, and a shared commitment to resolve issues through established processes.

In that regard, the Government supports an action-oriented conclusion that is based on factual submissions pertaining only to issues related to the Convention.

Finally, as the Committee carries out its important work on behalf of workers globally, attention should also reach workers whose situations remain less visible and who may lack the same opportunities to bring their concerns before international mechanisms.

Presidenta – Muchas gracias, señora por su participación en las labores de la Comisión y por la información facilitada.

Doy la palabra al Sr. Kaizer Moyne, portavoz del Grupo de los Empleadores, para que realice su declaración final.

Employer members – As we conclude, Employer members once more stress that any law or practice that infringes on workers’ or employers’ organizations under the Convention is unacceptable.

While noting that the interventions on this case may have strayed on to matters not addressed in or relevant to the Convention, such as workers’ rights to strike or collective action, we wish to reiterate that this matter is solely about the implementation of Convention No. 98 by the Philippines in law and in practice, nothing else.

To ensure full compliance with the Convention, Employer members request the Government to:

- ensure full respect of the rights and freedoms of workers and employers in the Convention;
- continue cooperating with the ILO and most representative employers’ and workers’ organizations to ensure the full application of the Convention in law and practice;
- provide information on concrete measures taken in this respect, including the development and reporting on any progress.

We trust that the Government will implement these recommendations in a timely manner to achieve full compliance with the Convention both in law and practice.

Presidenta – Pasamos ahora a la palabra a la Vicepresidenta trabajadora, a la Sra. Ann Vermorgen.

Worker members – Worker members note that, despite sustained comments from the Committee of Experts over many years, important gaps remain between the requirements of the Convention and the situation of collective bargaining in the Philippines, in both law and practice. These gaps affect workers across a broad range of sectors and indicate that the difficulties are not limited to isolated areas but extend across the labour market.

We recall that Article 4 of the Convention places a clear obligation on Member States to establish and promote effective procedures for voluntary bargaining between workers’ and employers’ organizations, aimed at regulating employment conditions through collective agreements. This obligation requires a legal and institutional framework that enables all workers covered by the Convention to effectively exercise their right to collective bargaining.

In this respect, Worker members remain seriously concerned that a wide range of workers continues to be excluded from collective bargaining. These exclusions affect workers in public services such as prison staff and fire fighters, as well as those in outsourced, temporary, part-time, and other non-standard forms of employment, alongside agricultural, domestic, migrant and self-employed workers.

Worker members recall that such exclusions are incompatible with the Convention which applies to all workers in the private sector, regardless of their employment or residency status, and guarantees the right to collective bargaining to all public servants not engaged in the administration of the State.

In this regard, Worker members must reiterate, for the benefit of all members of the Committee, that both the Committee of Experts and the Committee on Freedom of Association have systematically affirmed that the Convention provides for exceptions to its personal scope of application only with respect to the armed forces, the police and public servants engaged in the administration of the State. The Convention therefore applies to all other workers, including self-employed workers.

On an additional note, we observe with concern the continued expansion of subcontracting practices in the Philippines. Worker members consider that, when such arrangements are misused, they can significantly weaken collective representation by dispersing workers across multiple contractual relationships and undermining bargaining capacity. This is not a peripheral concern, but one that goes to the heart of the effectiveness of collective bargaining systems.

With respect to certification procedures in unorganized establishments, we take note of the recent judicial clarification concerning the DO 40-J and the return to certification elections, as provided under the Labour Code. Worker members remain concerned that the procedure does not provide sufficient guarantees against undue delays, interference, administrative barriers or procedural uncertainty that may undermine the recognition of trade unions as bargaining agents.

We remain concerned that collective bargaining in the public sector continues to exclude compensation and remains limited to matters not fixed by legislation. While the Government refers to established practice and the possibility to explore alternative mechanisms to collective bargaining, Worker members recall that such arrangements are not sufficient to meet the requirements of the Convention. Workers covered by the Convention must be able to negotiate essential terms and conditions of employment, including wages. Without this possibility, the substance of collective bargaining is significantly reduced.

The situation in the electricity sector further illustrates these concerns. While we acknowledge the reported suspension of the regulation establishing multi-stakeholder involvement in collective bargaining and the ongoing discussions on a new tripartite framework, Worker members stress that any future arrangements must not recreate restrictions on the autonomy of the parties. Collective bargaining must remain a direct process between employers' and workers' organizations, conducted in good faith and free from external interference. The Government should therefore ensure that any new institutional framework fully respects the autonomy of the bargaining parties and is consistent with the requirements of the Convention.

Finally, while the increase in the number of collective agreements is noted, Worker members observe that coverage remains limited in relation to the overall workforce. This suggests the continued existence of structural barriers to the free exercise of collective bargaining rights.

Taken together, the issues discussed in this case reveal persistent systemic challenges affecting the effectiveness and reach of collective bargaining in the Philippines.

Worker members therefore request the Government to pursue concrete reforms, in close consultation with the social partners, to ensure full conformity with the Convention. We specifically request the Government to:

- amend its legislation without delay to ensure that all workers covered by the Convention can effectively enjoy and exercise their right to collective bargaining, in particular prison staff, fire service personnel, self-employed and temporary workers, outsourced or contract workers, non-resident workers, part-time workers, agricultural workers, domestic workers and migrant workers, as well as self-employed workers and non-standard categories of workers, including those working in the informal economy;
- adopt, in consultation with the social partners, procedures for determining collective bargaining agents in unorganized establishments with only one labour organization,

together with safeguards to prevent undue interference, delays or obstacles to their effective recognition;

- ensure that all public sector workers not engaged in the administration of the State can negotiate wages and other terms and conditions of employment, as required by the Convention;
- address the misuse of subcontracting and non-standard employment that undermines workers' capacity to organize and engage in collective bargaining;
- in consultation with the social partners, review arrangements in the electricity sector to ensure that any institutional framework fully respects the autonomy of the bargaining parties and promotes free and voluntary collective bargaining;
- in consultation with the social partners, review the relevant provisions of the Labour Code to remove undue obstacles to free and voluntary collective bargaining, including government interference; and
- adopt measures to encourage and promote the full development and utilization of machinery for collective bargaining to significantly expand collective bargaining coverage.

In light of the persistent gaps between the requirements of the Convention and the legal framework and practice in the Philippines, we invite the Government to accept a direct contacts mission.

Presidenta – Damos por concluida la discusión de este caso.

Las conclusiones serán adoptadas por la Comisión en la mañana del jueves 11 de junio.

Antes de pasar al siguiente caso, que es Bosnia y Herzegovina, vamos a tener una pausa de 2 minutos.

Se interrumpe la sesión a las 20.50 horas.

The sitting was suspended at 8.50 p.m.

La séance est suspendue à 20 h 50.