

Tripartite Project Launch on Freedom of Association and Collective Bargaining

1. Following the Direct Contact Mission of the International Labour Organization on 25 July 2016 where a comprehensive list of recommendations has been generated, the Department of Labor and Employment (DOLE), ILO Country Office-Manila, and the EU Generalized System of Preferences Plus (EU GSP+) is embarking on a two-year project which aims to further improve the capacity of labor, employers and the government towards better implementation and application of the right to Freedom of Association and Collective Bargaining in the country.
2. To formally commence with the project, DOLE, ILO and EU GSP+ conducted a project launch on 13 September 2017, at the Bayleaf, Intramuros, Manila. The launching brought together the tripartite and social partners, particularly concerned government agencies, who discussed and agreed on strategies to improve application of freedom of association principles and the collective bargaining, based on ILO Convention 87 and 98, and the DCM recommendations that were classified, to wit: a) civil liberties and trade union rights; b) legislative issues; and, c) climate conducive to freedom of association.

Opening Remarks

3. The activity commenced with the opening message of Director Khalid Hassan of the ILO Country Office – Manila. He emphasized the importance of basic fundamental rights and principles that contribute in keeping intact the social fabric of the society, especially in this time of globalization. With the launching of the tripartite project, he said that the fundamental rights of workers to freedom of association and collective bargaining is safeguarded through better education of these principles. The project, he said, is in the context of advancing investments and creating inclusive growth in the Philippines. He pointed out the outcomes of the Direct Contact Mission that was conducted by ILO, stating that this provides better opportunities for the country to address gaps, strengthen implementation and improve compliance on ILO Conventions 87 & 98.
4. He was followed by the message of Mr. Walter van Hattum, head of the Economic and Trade Section of the EU Delegation to the Philippines. He stressed the importance of the project to support enabling laws and policies to better apply social dialogue and application of the principles on freedom of association and collective bargaining. He said that the funding from the European Union highlights the high value given by the members of EU on these rights and principles. In fact, trade preferences such as the GSP+, which the Philippines is a beneficiary, is tied up on compliance with full respect on human rights, support of sustainable development and for decent work, including the rights and principles of freedom of association and collective bargaining. Noting that EU is the 2nd largest trading partner of the Philippines, with most products enjoying preferential tariff scheme, he said that it is important for the Philippines to continue its compliance with Conventions 87 & 98. He cited

that EU is requiring countries to comply with social and environmental conventions to ensure that trade will benefit those in vulnerable condition by making free trade, fair trade. He stated that this is the way to make globalization work for all.

Keynote Message

5. Acting Secretary Joel Muglunsod delivered the keynote message where he focused on the necessary policy and program reforms instituted by the government, geared towards inclusive labor justice system. He acknowledged that persisting issues with regard to the application, in law and in practice, of the principles of ILO Convention Nos. 87 and 98 still remains. He referred to the report by the Direct Contact Mission where he called for tripartite consideration and support for the projects that will be implemented based on the three areas identified, namely, civil liberties and trade union rights, legislative issues, and, promotion of a climate conducive to freedom of association. He ended his speech by emphasizing the importance of social dialogue in resolving issues and concerns, and asking cooperation from concerned government agencies to effectively deliver public service.

Enhancing FOA in the Philippines: Linkages between the 2017 Direct Contact Mission and the European Union GSP+

6. Mr. Jajoon Coue, Specialist on International Labor Standards and Labor Law, discussed the findings, outcomes, and the proposed strategies of the ILO Direct Contact Mission (DCM). He explained that the DCM aimed to clarify facts and circumstances and develop better and common understanding on matters (i.e., application by the Philippines of ILO Conventions 87 & 98), in order to assist in the identification of appropriate actions to follow up on the conclusions of the Committee on the Application of Standards. There were three areas of concern which the DCM identified for appropriate action, namely, *civil liberties and trade union rights, legislation, and promotion of a climate conducive to freedom of association*.
7. As regards the issues relating to civil liberties and trade union rights raised by the ILO supervisory bodies, he said that the mission notes that there is a detailed and intricate framework of monitoring and investigative mechanisms in place, at both national and regional levels, which are actively working on the cases of killings of trade unionists and other violence brought before the ILO supervisory bodies. However, he pointed out that the mission observed a genuine concern about the limited tangible impact and results from these efforts in terms of convictions and identification of perpetrators. At the same time, they observed a great interest in continuing or commencing training and capacity-building activities to counter turnover and ensure that adequate consideration is given to ILS on freedom of association and collective bargaining when handling cases. They further observed that fear and a sense of intimidation is still being reported from the Worker side.
8. As possible further steps to combat impunity more effectively, he said that the mission recommends, in view of the obstacles mentioned by the Government to the investigation and prosecution of the identified killings of trade unionists, to take measures, if necessary of legislative nature, to ensure that such serious crimes are investigated and (where evidence

exists) prosecuted *motu proprio*, i.e. regardless of the desistance or disinterest of the family or other parties to pursue the case and even in the absence of a formal criminal complaint being lodged by the injured party.

9. With respect to the working of the monitoring bodies such as the RTMBs, which in the mission's view are not of quasi-judicial nature and thus should not make substantive findings on the merits (e.g. motive), he said that the mission recommends to lower the screening standard of proof to "initial/fair grounds to believe" so as to not unduly exclude possible freedom of association cases and to ensure that labour activity or trade union function albeit hybrid constitute *prima facie* evidence. They also suggest that any relevant comments of the ILO supervisory mechanisms be systematically submitted to the monitoring bodies for their consideration when taking cognizance of a case. Moreover, the involvement of the complainant trade union and of other independent bodies (such as the CHR and the Ombudsman) in the working of the monitoring bodies and in the investigation procedure should be increased and institutionalized.
10. In terms of judicial framework and access to justice, he said that the mission suggests that measures equally be taken to guarantee and facilitate effective access to justice. The judiciary being both a protective and a preventive mechanism, awareness-raising activities need to be conducted among the local population to promote access to courts and explain the modalities. Furthermore, they advised to explore the possibility and value of either creating specialized labour courts or of establishing special chambers of the judiciary in regions where a concentration of cases has been identified, so as to accelerate proceedings. Likewise, the effective protection of witnesses should also be ensured, whether through *amparo* proceedings, the DOJ Witness Protection Programme, the less formal programme of the CHR or informal provisional measures via the community or the church.
11. He pointed out also the problem of impunity which the mission noted, affects not only trade unions, but all human rights defenders. It may therefore be useful for organized labour to look beyond its traditional allies and constituencies and explore forging alliances with other actors, including those in the business community. The mission also highlights the importance of naming the individuals receiving death threats to the ILO supervisory bodies, as a possible checks and balances and for the purposes of protection.
12. Regarding violence against trade unionists, he highlighted that the mission welcomes the integration of human rights in the curriculum of the AFP and PNP. As possible further steps to prevent violence against trade unionists, the mission recommends the conduct of training and capacity-building activities for the monitoring bodies, especially at regional and local levels, and to sustain such activities for the PNP and the AFP. They said that anonymized case work and real situations, taking inspiration from the ILO training materials prepared in respect of military, police and security forces, should be integrated into training and curricula so as to teach cooperation and interaction.
13. Furthermore, the mission highlights the need for enforced implementation at national, regional and local levels. In the long-term, and in light of SDG 16, this can be achieved first

and foremost via inclusive, responsive, transparent and accountable quality law enforcement.

14. Towards promoting a climate conducive to freedom of association, Mr. Coue said that the mission recommends to ensure that labour inspection systematically covers freedom of association matters and is made more effective in line with international labour standards by enabling inter alia random visits, the right of access to all sites without notice and the presence of a trade union representative. Also, the list of labour arbiters should be drawn up by a tripartite body. The mission further suggested that the Government could link up with ECOP to guide companies not to employ unlicensed private security guards.
15. Lastly, as regards legislative issues raised by the ILO supervisory bodies, he said that the mission has appreciated the openness of most stakeholders to the legislative amendments requested in order to ensure compliance with Convention No. 87. Several bills accommodating most of the CEACR comments are currently pending before the House and the Senate. As possible further steps, the mission recommends first and foremost to include all relevant bills as priority measures for rapid adoption on the agenda of DOLE and Parliament and to undertake regular consultations with the employers' and workers' organizations throughout the process. It would also be advisable to ensure effective bicameral cooperation and the systematic submission of any relevant comments of the ILO supervisory bodies to the House and the Senate for their consideration.
16. He concluded his presentation with respect to bills dealing with more complex or debated matters where he said that the mission encouraged the Government to avail itself of ILO technical assistance for the purposes of enabling the Government and the social partners to find appropriate consensual solutions, ascertaining the conformity of draft amendments with Convention No. 87 as well as raising awareness of key stakeholders.

Message of Support from Social Partners

17. Atty. Jose Sonny Matula of the Federation of Free Workers (FFW) delivered a message of support for the tripartite project. He started his message with the historical background of freedom of association and collective bargaining on the debate in the 1934 Constitutional Commission between Laurel and Recto. He narrated that back then, Recto questioned the proposal on the inclusion of a provision about the right to organize unions or associations for purposes not contrary to law, citing that none can be seen in the American constitution which is the reference of the constitution convention. Laurel replied that the same can be found in the 1899 Malolos Constitution. Hence, Atty. Matula pointed out that the Philippines is well ahead than ILO in the adoption of the right to freedom of association. However, he stressed that adoption in law does not equate to actual practice. He shared that FFW has brought several cases in the ILO, together with their recommendations, to wit: a) end killings of trade unionists and stop other trade union rights violations; b) review the case of Antonio

Petalcorin as his killing is related to his organizing union activity; c) prosecute and punish perpetrators of trade union rights violations; d) provide adequate funding and capable staff for the national monitoring body; e) effectively implement the requirement for clearance before filing criminal charges against workers for cases related to/arising from the exercise of the right to freedom of association; f) remove harsh punishment of termination of employment for workers involved in illegal strike or defiance of the assumption order of the Labor secretary; and, g) certify as urgent all tripartite endorsed bills in Congress related to Freedom of Association, to conform with international labor standards.

18. Mr. Danilo Edralin, Vice Chairperson of Sentro ng mga Nagkakaisa at Progresibong Manggagawa (SENTRO), also delivered a message of support stating that they welcome the tripartite project to strengthen freedom of association and collective bargaining in the Philippines. Historically, he said that trade plays a major role in the economic and political development of countries, including the Philippines. After all, he said that it is through trade that paved the way for the flourishing of enlightenment in the Philippines, which became the foundation of the national liberation struggles led by Katipunan – the roots of Filipino labor movement. However, he pointed out that trade, at present, has become problematic due to policies that has negatively affected local industries. He noted that countries, including the Philippines, is developing a new trade agreement that is more dangerous than the World Trade Organization which is the Regional Comprehensive Economic Partnership (RCEP). He lauded, however, that EU GSP+ is not infected with dangerous provisions of new generation free trade agreements which endanger democracy and economic development of countries. He stated that unlike RCEP, the GSP scheme do not call for expansion of intellectual property rights, do not have international systems for dispute settlement, will not curtail domestic regulations, and, will not lock the country to all failed neo-liberal policies that drag the world to a financial and economic crises. He said that SENTRO is looking forward to the project to help stakeholders in specific industries to establish accreditation mechanisms that will ensure that only establishments that are compliant with labor laws would benefit from GSP. He concluded by encouraging everybody to work together in creating policies that will advance worker's rights by not supporting new generation free trade agreements.
19. On the part of the employer sector, Mr. Donald Dee, President of the Employers Confederation of the Philippines (ECOP), stated that they support the movement to strengthen freedom of association and collective bargaining. However, commenting on the messages delivered earlier, he stated his stance that he also believes that there should be special and differential treatment in trade for our country, especially in agriculture. He pointed out though that it is not the free trade agreements that caused our failure, but the failure of our economy to be competitive and the failure to come out with policies that will support our industries and entrepreneur.

20. As to the presentation of Mr. Coue, he said that ECOP recognizes that is necessary to cooperate and develop relationship with workers, and to maintain industrial peace, that labor is a primary social and economic force. Thus, to achieve productivity and competitiveness, he said that it is necessary to establish a relationship through collaboration and unity between employers and employees. Further, he said that they continuously develop professional and ethical management practices and standards to promote harmonious relationship, including committing to ensure success of the tripartite consultation mechanism to effectively work together towards greater productivity and national progress. He reiterated their support of the rights of workers to freedom of association and collective bargaining. However, he noted that workers are also free to not join said associations, which groups should also recognize and respect. In the same way, he said that ECOP will not tolerate actions that are against labor laws.
21. Commenting on the cases that were stated, he said that perpetrators and their companies should be exposed and prosecuted to the fullest. As to laws promoting and protecting freedom of association and collective bargaining, he said that ECOP believes that they are already adequate, but needs to be fully implemented, saying that lack of enforcement is the greatest contributing factor in the persistence of violation of the said rights of workers. He committed that ECOP will work together with labor groups for the resolution of these cases.
22. In conclusion, he encouraged the participants, especially his colleagues, to share insights on how to apply and implement the fundamental rights of workers, so that at the end of the project, the tripartite partners may be able to create an enabling environment where unity between employers and employees will freely flourish.

Philippine Component of the ILO Global Project: Support GSP+ Beneficiary Countries to Effectively Implement ILS and Comply with Reporting Obligations

23. To better understand the project, Ms. Verna Viajar, ILO Project Manager, in her presentation said that the project focuses on better application of freedom of association and right to collective bargaining in the Philippines, focusing on measures to better address allegations concerning violations of workers civil liberties and trade union rights.
24. She explained that the tripartite partners, labor, employer and government, are expected to achieve different outcomes from the project. For the government, the project aims for different agencies such as PEZA, DTI, DOLE and DFA to have better awareness to promote compliance with Freedom of Association and Collective Bargaining principles while advancing investments, trade and inclusive growth; the police and RTMB, CHR, TIPC and AO35 IAC to improve measures on investigation and monitoring to protect victims of violations of civil liberties and trade union rights on FOA CB; and, the LGUs and police to respect human rights, civil liberties and workers' rights, during labour actions (strikes, lockout), based on 2011 and 2012 Guidelines.

25. In addition, for the labour to be better equipped to participate and contribute in the investigation and monitoring of trade union rights violations and to effectively use the 2011 and 2012 Guidelines in ending impunity, while for the employers to apply social dialogue based on Freedom of Association and Collective Bargaining principles and prevent violation of civil liberties and workers' rights to better observe 2011 and 2012 Guidelines.
26. She recommended several outputs and activities that can be done by the tripartite partners to achieve the said objectives. The same will be part of the workshop which is part of the program.

Open Forum

27. Mr. Edwin Bustillos raised issues and concerns on the practice of Freedom of Association in economic zones administered by PEZA. He said that they had a proposal that when it comes to labor-related issues (labor standards and labor relations), DOLE should lead the investigation and not to be controlled by the PEZA board. He also raised the complaints of union organizers regarding the difficulty of organizing unions in economic zones, citing that most locators are anti-union. Finally, he asked for updates regarding the training on labor laws and other social legislation, which DOLE conducted in line with Administrative Order No. 164, series of 2017.
28. Ms. Babes Tesiora registered her concern for the informal sector, particularly, how freedom of association be beneficial for them and how their rights can be protected. She expressed hope that their concern will be included in the workshop.
29. Mr. Romeo Arica of TUPAS observed that the practice of freedom of association is weakening in the country because of issues on contractualization and minimum wage tax exemption. He explained that the latter became a problem because workers opt not to join unions for them to enjoy the benefit of tax exemption.
30. Mr. Coue replied that the concerns raised will initially be addressed by formulating plans to substantiate the outcomes of the project and refine the recommendations of the DCM through the workshop that will be conducted.
31. In addition, Ms. Viajar said that the implementation of the Guidelines with PEZA should be strictly observed and monitored. In terms of inspection, she said that ILO has a separate project for that purpose.
32. Usec. Maglunsod commented on the messages by the labor and employer sector, saying that the same is appreciated by the Department. He said that violations on the rights of workers still exist. He sees this as an opportunity for everyone to be reminded of the importance of freedom of association. Commenting on the issue on PEZA, he said that the PEZA charter

acknowledges the rights of workers to associate and bargain collectively. He recognized that there are shortcomings in the implementation of the law. As to LLCOs, he shared that the Department has conducted trainings already to give authority to social partners and sectoral representatives to join inspections. He said that the Department will continue with the said trainings. On the informal sector, he stated that they are encouraged to associate freely for mutual aid and protection, as the same is a requirement for them to benefit from DOLE livelihood projects. On the declining number of unions, he encouraged labor groups to not limit themselves in organizing regular employees, but also other employees like contractuels, casuals, and even lower ranking managerial employees. He assured everyone that DOLE is working within the bounds of its mandates, as provided by law.

33. Ms. Gerona asked how trade is affected by a country's compliance or non-compliance on freedom of association and collective bargaining. Mr. van Hattum replied that different international organizations and institutions have different requirements before providing support like trade. He cited EU GSP+ is employing a "carrot and stick", where the Philippines is enjoying preferential tariff treatment for its products that enters the European Union by complying with different Conventions. Consequently, non-compliance will reverse the benefits provided by the EU GSP+. He likewise shared the experiences of Nigeria and Sri Lanka. In addition, he mentioned that the European Union will not deal with countries which did not signed the Paris Agreement for climate change. In the same way, he stressed that they will not conclude any Free Trade Agreements without a strong labor provision, including freedom of association.
34. Mr. Magtubo raised the possibility of creating a tripartite mechanism that will declare a specific industry or an economic zone as labor law-compliant area, before benefitting from the GSP+. Mr. van Hattum commented that a similar mechanism has been in place for the garments industry. He said that consumers today are smart enough to buy or boycott products, if found to be violating rights of workers. He said that a branding mechanism can be implemented so that consumers will know that goods were produced by establishments that are compliant with labor laws.
35. Ms. Cabatingan said that the project should prioritize the creation of an environment conducive to freedom of association. She said that a roadmap can be drafted for such purpose.

Signing of the Tripartite Manifesto of Commitment and Collective Effort to Sustain Observance and Further Improvement in the Application of the Principles of Freedom of Association and Collective Bargaining

36. The tripartite partners signed the manifesto which commits them to promote and protect workers' rights at all times pursuant to and in furtherance of the fundamental principles of Freedom of Association and Collective Bargaining by, among others, aligning our national law

and practice to these fundamental principles; to formulate and adopt a National Action Plan with identified key result areas and strategies to further improve the application of Freedom of Association and Collective Bargaining principles in the Philippines, taking into consideration the observations and recommendations made by the Committee of Experts on the Application of Conventions and Recommendations (CEACR) and the Direct Contact Mission (DCM); and, to collaborate and actively work towards the implementation of the National Action Plan, and endeavour to efficiently and effectively attain the targets identified therein, within the period specified, with diligence and with full respect to the provisions set forth.

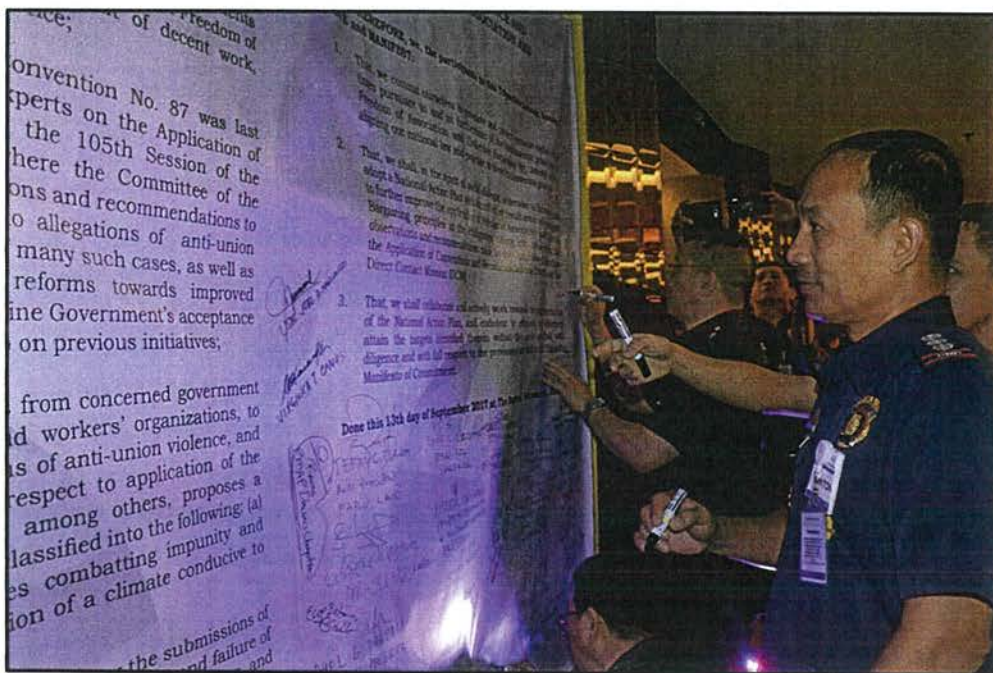
Theory of Change

37. Before the breakout session for the workshop, Ms. Diane Respall, ILO Senior Programme Officer, discussed the theory of change which will be used as a tool in the crafting of the National Action Plan. She explained theory of change as describing the sets of intervention that seeks to satisfy, resolve or mitigate problems that were pre-identified, leading towards a desired outcome.
38. Through the theory of change, she said that the tripartite partners will be able to identify key policies, programs or projects that would entail a series of activities. In developing interventions, she reminded the participants to be formulate an indicator which is specific, measurable, achievable, relevant and time-bound to ensure to guide the implementers on the progress of the project. In ending her presentation, she provided samples of outputs that made use of the theory of change.

Workshop Session

39. The participants were divided into three groups, each composed of participants from the government, employers and labour. They were asked to identify their documenter, rapporteur, and facilitator.
40. The groups were tasked to validate and provide inputs on the identified outcomes and outputs for the Freedom of Association and Collective Bargaining project. They shall plan for specific activities and schedule the activities using the provided template.
41. The workshop outputs that were presented in the plenary is herein attached as *annex* to this report.





TRIPARTITE MANIFESTO OF COMMITMENT AND COLLECTIVE EFFORT TO SUSTAIN OBSERVANCE AND FURTHER IMPROVEMENT IN THE APPLICATION OF THE PRINCIPLES OF FREEDOM OF ASSOCIATION AND COLLECTIVE BARGAINING

WHEREAS, the Philippines has ratified International Labor Organization (ILO) Convention No. 87 on Freedom of Association and Protection of the Right to Organize and Convention No. 98 on Collective Bargaining on December 29, 1953;

WHEREAS, the tripartite constituents – workers, employers and governments are indispensable partners in the effective application of the principles of Freedom of Association and Collective Bargaining towards the attainment of decent work, inclusive growth and industrial peace based on social justice;

WHEREAS, the Philippine application of ILO Convention No. 87 was last reviewed, based on the report of the Committee of Experts on the Application of Conventions and Recommendations (CEACR), during the 105th Session of the International Labour Conference in June of 2016, where the Committee of the Application of Standards (CAS) adopted several conclusions and recommendations to address the remaining gaps, particularly pertaining to allegations of anti-union violence and the lack of progress in the investigation of many such cases, as well as on long-standing requests for various legislative reforms towards improved application of the Convention, and called for the Philippine Government's acceptance of a Direct Contact Mission (DCM) that would follow-up on previous initiatives;

WHEREAS, after separate meetings with officials from concerned government agencies, as well as representatives of employers' and workers' organizations, to clarify facts and circumstances pertaining to allegations of anti-union violence, and to develop better and common understanding with respect to application of the Convention, the DCM published its Report which, among others, proposes a comprehensive list of recommendations which may be classified into the following: (a) civil liberties and trade union rights, which includes combatting impunity and prevention; and, (b) legislative issues; and (c) promotion of a climate conducive to freedom of association;

WHEREAS, there is a clear sense of urgency, warranted by the submissions of labor sector with respect to instances of anti-labor violence, impunity, and failure of institutions in securing common observance of what should be a cohesive and comprehensive framework of established standards on freedom of association and collective bargaining;

WHEREAS, in line with the observations and recommendations of the CEACR and the DCM, the tripartite partners – composed of the Labor Sector, the Employers Sector, and the Government Sector – recognize the need to further build and develop coordinative works to improve observance with the provisions of the Philippine Constitution; the Labor Code of the Philippines; the International Labour Standards, particularly ILO Convention Nos. 87 and 98; and other international treaties, accords and instruments where the Philippines is a signatory;

NOW THEREFORE, we, the participants to this Tripartite Launch, hereby RESOLVE and MANIFEST:

1. That, we commit ourselves to promote and protect workers' rights at all times pursuant to and in furtherance of the fundamental principles of Freedom of Association and Collective Bargaining by, among others, aligning our national law and practice to these fundamental principles;
NON COOPERATION WITH INDUSTRIAL ACTION
RAVEN E. CRISTINAL (EOP/ARCE)
2. That, we shall, in the spirit of social dialogue, undertake to formulate and adopt a National Action Plan with identified key result areas and strategies to further improve the application of Freedom of Association and Collective Bargaining principles in the Philippines, taking into consideration the observations and recommendations made by the Committee of Experts on the Application of Conventions and Recommendations (CEACR) and the Direct Contact Mission (DCM);
DANIELA M. GUERRERO PTGWO
TELEUT PAMILANAN POP OPM
REGINA Chif. APP
3. That, we shall collaborate and actively work towards the implementation of the National Action Plan, and endeavor to efficiently and effectively attain the targets identified therein within the period specified, with diligence and with full respect to the provisions set forth in this Tripartite Manifesto of Commitment.
Belvin O. Bagoa
SUSANITA

Done this 13th day of September 2017 at The Bayleaf, Intramuros, Manila.

R. P. ...
 M. P. ...
 TERRY C. TOLSON
 Nat. President
 PAFU - LMC
 K. Rene Magtuba
 PM - OLC - Nagkaisa
 RUEL G. PUNZALAN
 NATIONAL PRESIDENT
 PMA - SENTRO
 CHRISTOPHER BAWISA
 PSUMC Rep for GOCCs
 ATORAY CASTILLO
 CUP
 ALU-TUCP
 RUDY C. LADINO
 UFSW - NCL
 NAGKALISA
 RHODA CALINARA
 PHILIPPINE ASSOCIATION
 OF LEGITIMATE CONTRACTORS
 PALSCON
 MARIA JOSEFA CAPTULO
 OUSBYOND
 KHALID
 LUIS CORRAL
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 ALU-TUCP
 DANIEL A. LASEPNA
 FFW - Nagkaisa
 JONNY MATULA
 FFW - NAGKALISA
 HERMAN L. LUNA
 DOR
 JIMMY GUN
 ANTONIO RUIZ GECEN
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 DANIEL FORA LIN
 SENTRO - NAGKALISA
 FLORENCIA R. BANTING
 NAGKALISA - TUCP
 TEM S. SISON
 A WHIM - TUCP
 Zha Li Villa
 ELSA U. VILLA
 PASEI
 R. Y. M. ...
 PSE - ...
 ARTURO ...
 KILUSAN - TUCP
 ROBBIT UBROJO
 NUBE
 Lito Calderon
 AFW - SENTRO

**TRIPARTITE MANIFESTO OF COMMITMENT AND COLLECTIVE
EFFORT TO SUSTAIN OBSERVANCE AND FURTHER
IMPROVEMENT IN THE APPLICATION OF THE PRINCIPLES OF
FREEDOM OF ASSOCIATION AND COLLECTIVE BARGAINING**

WHEREAS, the Philippines has ratified International Labor Organization (ILO) Convention No. 87 on Freedom of Association and Protection of the Right to Organize and Convention No. 98 on Collective Bargaining on December 29, 1953;

WHEREAS, the tripartite constituents – workers, employers, and governments – are indispensable partners in the effective application of the principles of Freedom of Association and Collective Bargaining towards the attainment of decent work, inclusive growth, and industrial peace based on social justice;

WHEREAS, the Philippine application of ILO Convention No. 87 was last reviewed, based on the report of the Committee of Experts on the Application of Conventions and Recommendations (CEACR), during the 105th Session of the International Labour Conference in June of 2016, where the Committee of the Application of Standards (CAS) adopted several conclusions and recommendations to address the remaining gaps, particularly pertaining to allegations of anti-union violence and the lack of progress in the investigation of many such cases, as well as on long-standing requests for various legislative reforms towards improved application of the Convention, and called for the Philippine Government's acceptance of a Direct Contact Mission (DCM) that would follow-up on previous initiatives;

WHEREAS, after separate meetings with officials from concerned government agencies, as well as representatives of employers' and workers' organizations, to clarify facts and circumstances pertaining to allegations of anti-union violence, and to develop better and common understanding with respect to application of the Convention, the DCM published its Report which, among others, proposes a comprehensive list of recommendations which may be classified into the following: (a) civil liberties and trade union rights, which includes combatting impunity and prevention; (b) legislative issues; and (c) promotion of a climate conducive to freedom of association;

WHEREAS, there is a clear sense of urgency, warranted by the submissions of labor sector with respect to instances of anti-labor violence, impunity, and failure of institutions in securing common observance of what should be a cohesive and comprehensive framework of established standards on freedom of association and collective bargaining;

WHEREAS, in line with the observations and recommendations of the CEACR and the DCM, the tripartite partners – composed of the **Labor Sector**, the **Employers Sector**, and the **Government Sector** – recognize the need to further build and develop coordinative works to improve observance with the provisions of the Philippine Constitution; the Labor Code of the Philippines; the International Labour Standards, particularly ILO Convention Nos. 87 and 98; and other international treaties, accords and instruments where the Philippines is a signatory;

NOW THEREFORE, we, the participants to this Tripartite Launch, hereby RESOLVE and MANIFEST:

1. That, we commit ourselves to promote and protect workers' rights at all times pursuant to and in furtherance of the fundamental principles of Freedom of Association and Collective Bargaining by, among others, aligning our national law and practice to these fundamental principles;
2. That, we shall, in the spirit of social dialogue, undertake to formulate and adopt a National Action Plan with identified key result areas and strategies to further improve the application of Freedom of Association and Collective Bargaining principles in the Philippines, taking into consideration the observations and recommendations made by the Committee of Experts on the Application of Conventions and Recommendations (CEACR) and the Direct Contact Mission (DCM);
3. That, we shall collaborate and actively work towards the implementation of the National Action Plan, and endeavor to efficiently and effectively attain the targets identified therein within the period specified, with diligence and with full respect to the provisions set forth in this Tripartite Manifesto of Commitment.

Done this 13th day of September 2017 at The Bayleaf, Intramuros, Manila.