

*Seminar – Workshop on
Freedom of Association, Civil
Liberties,
Labour Laws and the Issue of
Impunity*

*30 – 31 March 2011
Iloilo Grand Hotel, Iloilo City*

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Report of Proceedings

Seminar-Workshop on Freedom of Association, Civil Liberties, Labour Laws and the Issue of Impunity

Introduction

1. The *Seminar-Workshop on Freedom of Association, Civil Liberties, Labour Laws and the Issue of Impunity* was held on 30-31 March 2011 at the Iloilo Grand Hotel in Iloilo City. It is the seventh in the series of consultations, seminar-workshops and capacity building activities identified by the International Labour Organisations (ILO) High Level Mission to the Philippines that would address the issues on freedom of association complaints filed by some labour groups to the ILO.
2. A total of 100 participants (49 female and 51 male) from Region VI (Western Visayas), Region VII (Central Visayas), and Region VIII (Eastern Visayas) attended the Seminar Workshop. They consist of 31 representatives from the Labour Sector, 10 from the Management Sector, and 52 from Government. *(Please see Attendance Sheets in Annex A).*
3. The Seminar-Workshop was facilitated by a team of experts from the International Labor Organisation headed by Justice Robyn Layton QC, former Chair of the ILO Committee on the Application of Conventions and Recommendations (COEACR), Mr. Jajoon Coue, Specialist on International Labour Standards and Labour Law and Member of the Decent Work Team at ILO Bangkok, and Ms. Diane Lynn Respall of ILO Manila Office. A team of seven (7) staff (6 female and one male) from the Institute for Labor Studies (ILS), Bureau of Labor Relations (BLR) and the International Labor Affairs Bureau (ILAB) provided technical and administrative support.

Day 1

30 March 2011

Opening Program

4. The Seminar Workshop was moderated by Med-Arbiter Ma. Consuelo Bacay of the DOLE Bureau of Labor Relations. It formally opened with an invocation and the singing of the Philippine National Anthem followed by the Opening Message, the Messages from representatives of the tripartite sectors and the Keynote Address.

Opening Message

Director Lawrence Jeff Johnson

5. ILO Manila Director **Lawrence Jeff Johnson** welcomed the participants and guests to the Seminar-Workshop. He opened his message by stating that the women and men around the world have rights at work such as the right to organize and have a voice, right to full respect of human dignity, equal opportunity, and rights to decent and productive work. The ILO has sought to define and guarantee labour rights and improve conditions for working people through a system of international labour standards expressed in the form of Conventions, Recommendations and Codes of Practice. He mentioned that rights at work are enshrined in the Universal Declaration of Human Rights and underscored the importance of ILO C. 87 (Freedom of Association and Protection of the Right to Organize Convention) and ILO C. 98 (Right to Organize and Collective Bargaining Convention).
6. Director Johnson reported that the Philippines has been an active member of the ILO since 1948 and has ratified 34 ILO Conventions, of which 32 are currently in force, including ILO C. 87 and C. 98. He added that the Philippine government's acceptance of the ILO High-Level Mission in 2009 affirmed the commitment of the Philippine government to full and effective application of ILO Convention 87 and 98. The Mission recommended both short-term and long-term programmes, which emphasized the need to enforce freedom of association in the context of human rights and civil liberties. The ILO supported the Philippines in the implementation of the recommendations of the High Level Mission, including awareness raising and capacity building to help identify gaps and propose solutions. Highlights of these programmes include:
 - a. Enhancing knowledge of officials, including key security officers from the Philippine Economic Zone Authority on Freedom of Association, Collective Bargaining and Labour Law Implementation
 - b. Equipping arbiters, mediators and conciliators of the Department of Labor and Employment, including officials of the Philippine Economic Zone Authority with techniques on conciliation, mediation and arbitration
 - c. Improving use of International Labour Standards in the judicial decision-making among justices and lawyers from the Supreme Court and Court of Appeals as well as among DOLE conciliators, mediators and arbiters in dispute settlements
 - d. Raising awareness of governments, employers and workers' organizations on the principles of freedom of association, collective bargaining and links to civil liberties and human rights including strategies to advance investigation, prosecution and conviction.

7. The ILO Director stated that the two-day seminar workshop is part of the follow-up activities of the HLM, the objectives of which are to:
 - a. Look into the possibility of moving forward the investigation, prosecution and resolution of pending cases involving trade unions;
 - b. Obtain a better understanding of principles and interrelations of freedom of association, civil liberties and their enforcement including how to achieve this together with partners – government, employers’ and workers’ organizations;
 - c. Define specific roles of social partners, including those in economic zones in the Visayas in relation to the principles of freedom of association; and
 - d. Enhance social dialogue mechanisms as a tool for better application of principles of freedom of association and right to collective bargaining
8. Director Johnson went on to mention the Global Jobs Pact, which was adopted in June 2009 by governments, employers’ and workers’ organisations as a response to the global economic crisis. The Pact is centred on accelerating decent and productive employment creation, building social protection systems that reinforce respect to fundamental principles and rights at work, promoting gender equality and encouraging voice and participation critical to recovery and development. He then mentioned that the DOLE, along with the social partners, is preparing its own Philippine Jobs Pact in order to achieve equitable and sustainable inclusive greener economic and social progress in the country.
9. In closing, the ILO Director took time to express sympathy and solidarity to the ILO constituents and the people of Japan as the country recovers from the recent earthquake and tsunami. Japan, he said, is a party to ILO C. 87 and C. 98, as the country have ratified both conventions. *(Please see the Message from the International Labor Organisation in Annex B).*

Messages from Social Partners

10. **Mr. Ronald Dela Cruz**, National Youth Director of the Trade Union Congress of the Philippines, delivered a short message on behalf of the TUCP National President, Atty. Democrito T. Mendoza.
11. He stated that the Philippines is one of the three countries in the ASEAN to have ratified the eight ILO core conventions. He cited the Philippines’ good labour laws that the trade unions have advocated for as one of its strengths, and is proud that the seminar could look at the issues on workers’ rights, particularly on the enforcement of labour laws.

12. In truth, he said, though workers are improving in the realm of giving protection to workers' rights, there are other sectors that are getting stronger in curbing these rights. Workers wanting to join or form unions still find it difficult to do so.
13. He stated that impunity does not apply only in extra-judicial killings, but also applies when laws are not properly implemented. He cited instances when impunity can be applied, such as when LMCs or organizations masquerading as cooperatives are used to supplant unions; when leaders of budding unions are harassed, threatened, summarily dismissed, or even killed; when regular jobs are eliminated, then contracted out; and when social dialogue mechanisms are subverted by non-representative unions.
14. The TUCP representative is hopeful that the seminar will contribute to better compliance, better working conditions and better environment for unions to thrive, and for enterprises to grow, and for the economy to improve. *(Please see the Message from the Trade Union Congress of the Philippines in Annex C1).*
15. On behalf of FFW Vice President for Visayas, Mr. Theodore Neil Lasola, **Ms. Merlyn Jara** read the message of the Federation of Free Workers. She expressed gratefulness for the opportunity to be together with fellow workers and social partners in an undertaking to understand better the essence and true implication of the freedom of association with the right to strike. Ms. Jara noted that many are aware that the right to organize and the right to strike are explicitly enshrined in the Philippine Constitution, but not all are fully aware that these basic rights are also enshrined in ILO C. 87. By ratifying ILO C. 87, the provisions of said ILO Convention, the Philippines had proudly given its commitment to the international community that it would observe and abide by its provisions. *(Please see the Message from the Federation of Free Workers in Annex C2).*
16. For the employer sector, **Atty. Von Velona**, Legal Counsel of the Central Philippines University, started his message with a famous quote, "Labor is not a commodity, but human, and it must be understood from the standpoint of human interest." He congratulated the DOLE and ILO for its noble mission to move forward the investigation, prosecution and resolution of pending cases on extrajudicial killings, harassment and abduction involving trade unionists and promoting greater awareness and capacity building on freedom of association, civil liberties and enforcement of labour laws, among stakeholders.
17. Atty. Velona shared that he had the chance to talk to the Chairman of the Senate Committee on Labour who said that the Committee is more inclined towards providing better protection to displaced workers, including those

aspiring for employment, upon question on the approach insofar as the development of labour justice system is concerned.

18. He also stated that stakeholders have different interpretations about impunity and violence, but sometimes these are not to be treated as impunity, such as those following a CBA which has a specific procedure. Accordingly, impunity must be a direct violation of specific rights, but insofar as addressing specific problems, these kinds of problems are addressed by the constitutional provision on voluntary modes of settling labour disputes without disregarding jurisdiction of labour arbiter based on Art 217 of the Labor Code.
19. Atty. Velona also commended the choice of venue because Iloilo or Region VI has not witnessed a strike for some time now. *(Please see the Message from the Employers Representative in Annex D).*
20. For the Armed Forces of the Philippines (AFP), **Brigadier General Pedro Ramon Sinajon** delivered the message on behalf of Major General Vicente Porto, Commander of the 3rd Infantry Division of the Philippine Army. He said that the AFP is a stakeholder in the labour sector because the labour sector is one big source of revenue which fuels the government and provides funds to sustain the Armed Forces. So far, he said, they have not encountered problems, nor labour unrest yet.
21. He stressed that the AFP, particularly the Philippine Army, is focused on educating its personnel on human rights. The Philippine Army believes that the more that the military personnel become aware of the political system that they are mandated to defend, the more effective they will be in protecting that system. Lastly, he assured that the Philippine Army will cooperate to bring peace and development in our nation. *(Please see the Message from the Armed Forces of the Philippines in Annex E)*
22. **Director Rebecca Chato** of the *DOLE Bureau of Labor Relations* (BLR) read the Keynote Speech on behalf of DOLE Secretary Rosalinda Dimapilis-Baldoz. She said that the Seminar is already the seventh of a series of follow-up capacity-building activities, the last of which was conducted in Davao City in December 2010. The previous seminars were very fruitful, and she anticipates the Visayas seminar to be as fruitful and develop better understanding of the underlying universal core principles of Section 3, Article XIII of the Philippine Constitution and labour laws.
23. She stated that ILO Conventions have special status for two reasons: One, all ILO member states have an obligation to promote and implement these conventions notwithstanding failure to ratify the relevant conventions. Second, these standards are contained in key human rights documents. Thus, these

conventions have to be appreciated as guiding principles in the application of domestic laws.

24. She also disclosed that the January 2010 Report of the ILO High Level Mission to the Philippines identified gaps in the application of the conventions, both in law and practice. The HLM observed that the issues involved in the area of freedom of association could essentially be categorized into two groups: 1) those relating to violence, intimidation, threat and harassment of trade unionists and an absence of convictions in relation to those crimes and; 2) obstacles to the effective exercise in practice of trade union rights. And these are the challenges that the tripartite constituents are primarily responsible in ensuring that workers' rights at work are protected.
25. In addition to the actions taken by the Philippine Government in key areas of concern such as addressing the issue of impunity, exploration of "out of the box" solutions to long-standing cases, labour law reforms, technical cooperation, and capability-building seminars/activities, institutional reforms are currently being undertaken under the Aquino Government to realize the commitments made to the ILO.
26. Director Chato continued that the DOLE implements a two-pronged package of reforms in labour arbitration and adjudication system. The first involves reforms in the existing system by ensuring transparency, efficiency and integrity in the labour dispute settlement system and the second consists of reforms that is reflective of Asian and Philippine culture of consensus building. Under the second approach, the major reform is the de-judicialization of the labour dispute settlement system through Alternative Dispute Resolution (ADR) using a 30-day mandatory conciliation-mediation of all labour cases DOLE-wide and developing an industry-based conciliation-mediation through the Industry Tripartite Councils at the national and local levels. At the heart of de-judicialization is the promotion of inclusive tripartism and social dialogue through the reconstitution of the Tripartite Industrial Peace Councils at the national and regional levels and the strengthening/reactivation or creation of Industry Tripartite Councils nationwide towards industry self-regulation governed by industry voluntary codes of good labour-management practices.
27. Finally, Director Chato reported on the launching of the Public-Private Partnership on Labour Governance last March 21. The DOLE hopes to translate the commitments during the launching into concrete measures in order to move forward and be compliant to international standards. According to her, we must make sure that we have a clear understanding of the principles of freedom of association and their links to civil liberties and human rights in order to succeed. *(Please see the DOLE Secretary Keynote Speech in Annex F.)*

Introduction to the ILO
Mr. Jajoon Coue

28. Mr. Jajoon Coue introduced the International Labour Organisation (ILO) as a unique member of the United Nations family, since it is the only organization with tripartite constituent. And that the primary mandate of the ILO is the promotion of social justice, in the context of globalization, through decent work, which means respect to individual dignity, economic and social development and international peace and stability.
28. Mr. Coue emphasized that social justice is not a hindrance but facilitative to development because it is based on the concept that the prevailing political and economic situation is conducive for everyone to continue generating wealth and sharing resources that contribute to development.
29. The ILO is also involved in the promotion and realization of sound environment at work, which is anchored on four pillars of decent work, such as freedom, equity, security and human dignity. The objectives of decent work pillars, according to Mr. Coue, are the promotion of rights at work, decent employment, social protection and social dialogue.
30. In pursuing social justice, the ILO set international standards through conventions and recommendations. Each convention is designed to solve specific issues in areas of work. Each member country meaningfully shared international standards in relation with each domestic environment. All nations who signed the conventions are legally bound to implement the international labour standards in their countries. The role of the ILO is to supervise and monitor the country's compliance to the standards, Mr. Coue said.
31. There are now 188 Conventions and 200 Recommendations adopted by the ILO. However, out of these 188 Conventions, only eight are up to date and considered as fundamental conventions. These eight conventions are approaching universal ratification by 2015, according to Mr. Coue.

Summary of Findings of the ILO High Level Mission

32. As a backgrounder, Mr. Coue explained that the High Level Mission (HLM) was sent by the ILO Supervisory Body and the Committee of Experts in June 2009 because of the cases filed by the different labour organizations in Philippines. Some cases include allegations of serious violations of freedom of

association, specifically acts of violence that had prompted the ILO Supervisory Bodies-High Level Mission to come to the Philippines.

33. The main purpose of the mission was to get first-hand information on the actual situation on the ground. Likewise, the ILO would like to find ways or areas of solutions for the government to improve the application of freedom of association. These were in accordance with the twin mandate of the HLM to obtain greater clarity of FoA situation and provide detailed information to ILO Supervisory bodies (CEACR and CFA), and to identify areas for support and technical assistance.
34. The ILO-HLM had briefing with senior government officials from DOLE, DILG, DOJ, DFA, PHRC, AFP and PNP. The HLM also had separate meetings with representatives from Congress, Supreme Court, Court of Appeals, PEZA, CHRP, TESDA, NLRC, DND, PNP and CSC. Likewise, the Mission also met with social partners, specifically with the Trade Union Congress of the Philippines (TUCP), Federation of Free Workers (FFW), Alliance of Progressive Labor (APL), Kilusang Mayo Uno (KMU), and the Employers Confederation of the Philippines (ECOP).
35. Mr. Coue delved deeply on the two main findings of ILO-HLM on cases, which were violence and the obstacles to the effective disposition on the cases. He disclosed that the CFA had identified 66 cases of murders, harassments and disappearances. However, out of the 66 cases, only 13 are labour related. The actual problem that the team found out was the inability or the lack of security protection for trade unions. On the other hand, the obstacles to the effective disposition were classified into three: a) case overload, b) heavy reliance on established procedure on testimonial evidence, and c) lack of witnesses.
36. The ILO HLM Report revealed that another obstacle to the full exercise of freedom of association could be found in both law and practice. According to Mr. Coue, one example of an obstacle in law is Art. 263g of the Labor Code, which provides the DOLE Secretary the power to assume jurisdiction (AJ) over labour cases. He said that AJ impedes the right of workers to strike. There is also a law that put sanctions on illegal strikes. Likewise, he said that the 20 per cent requirement in establishing unions curtail or impede the promotion of unionism. In practice, the HLM observed the absence of unions and collective bargaining agreements in export processing zones and the tendency of the employers to contest certification election.
37. Mr. Coue further revealed that the Chair of the HLM actually commended the Government of the Philippines for enacting measures to address the serious problems of impunity. Some of these initiatives include: a) the empowerment of NTIPC, b) the designation of 99 regional courts as specialized tribunals in

resolving cases of extra-judicial killing, and c) expansion of CHR powers in the area of witness protection.

38. Despite all the measures undertaken by the government, however, he had not seen a single case being resolved. He deemed that the measures are still insufficient, and that what is needed is a comprehensive program on human resource, trade union rights and civil liberties that will address impunity, he said.
39. Finally, Mr. Coue welcomed the new reforms instituted by the government like the alternative dispute resolutions of cases (ADR) including the single entry approach or SENA. He urged the government to continue on pushing for measures to finally resolve labour cases and prudently implement them. He likewise suggested that the government submit proposals to the UN body for the continued monitoring of the effective implementation of the freedom of association. *(Please see presentation of Mr. Jajoon Coue on the "Introduction to the ILO and the Summary of the High Level Mission Report Findings" in Annex G.)*

***Respect for Civil Liberties, Rights and Responsibilities
in a Labour Law Context
Justice Robyn Layton***

40. As an introduction, Justice Layton expressed the importance of civil liberties in achieving social justice and bringing about industrial harmony in the workplace. She said that each issue on civil liberties is different in specific regions of the world, like Asian issues are different from European issues. Likewise, each issue is different in specific areas of work.
41. She emphasized that human tolerance has limitation. Humans can only tolerate that much. Denial and infringement of their rights may lead to discontent and anger that will result to inefficiencies and lowering of productions. She added that productivity is not at its best if the workers are unhappy. Any issues arising at the workplace can be the subject of discussions. She emphasized that "union-free does not mean problem free." Often, employers avoid unions to do away with the problems; however, such solution is just only temporary. It did not offer long term solution to the problem.
42. Justice Layton discussed the major sources of civil liberties, which are contained in the following documents: a) Universal Declaration of Human Rights (UDHR); b) International Covenant on Civil and Political Rights (ICCPR); c) International Covenant on Economic Social and Cultural Rights (ICESCR); d) Constitution of ILO and its Annex Declaration of Philadelphia; and e) ILO Conventions.

43. Justice Layton delved deeply on the seven basic human rights of freedom of Associations which include the right to: a) establish and join an organization without discrimination; b) life and personal safety; c) freedom and security from arbitrary arrest and detention; d) freedom of opinion and expression; e) freedom of assembly; f) a fair trial by an independent and impartial tribunal, and g) protection of the property. She explained that these rights are universal, inalienable, and enforceable -- meaning they are acceptable worldwide and cannot be taken away from an individual.
44. However, she emphasized that such right is not absolute. And that the government has the ultimate responsibility of guaranteeing and ensuring such rights. When ratified by the government, it could be enforced in a tripartite system for the employers and unions to make sure that the basic human rights are protected.
45. In conclusion, she surmised that human rights in freedom of association are the highest human rights. The government is required that these rights are guaranteed through mechanisms such as tripartism. To make it work, there must be well organized and responsible union activities, fair practices of employers and effective government protection, as well as an effective system of resolving conflicts. Further, she noted that the effective mechanism in dealing with conflicts is through mediation, while the effective government protection is through negotiation. *(Please see the presentation of Justice Robyn Layton on "Respect for Civil Liberties, Rights and Responsibilities in a Labour Law Context" in Annex H.)*

***Principles and Provisions of Freedom of Association and
Collective Bargaining
Mr. Jajoon Coue***

46. Mr. Coue started his discussion on the context of the right to organize. He explained that this right covers all types of workers without any distinction. It covers both national and foreign workers, both public and private. It also covers those whose status of work can be of permanent or temporary basis. The exemptions however are workers in the armed forces and the police.
47. He proceeded his discussion with a thorough analysis of C. 87 (Principles of Freedom of Association) and C.98 (Collective Bargaining), emphasizing on specific rights that may be in conflict with Philippine labour laws and their implementations. Some of the salient features of FoA that he discussed include a) the right to organize, b) coverage of such right, and c) dissolution. On Collective Bargaining he discussed the a) role of the government, b) the right to strike and its coverage, and c) restrictions.

48. Mr. Coue impressed upon the participants that workers can form associations at different levels: within the company, within the profession, or within the industry without restrictions from the government. He concurred that government regulations are okay only if they are reasonable. An example of undue government interference is the satisfaction of 20 percent membership. But the requirement to submit Financial Statement once a year is considered legitimate and reasonable. However, the act of requiring workers to submit certification of number of years of service in the company before organizing constitute an unduly and burdensome requirement. He also pointed out that cancellation can only be pursued as a last resort, after exhausting all administrative means. Also, union dissolution could only be done on two grounds: when the union had ceased to fulfil its mission and when the union is being used as front to cover fraudulent activity or operations. Any act to dissolve a union must always be of fair play through hearing.
49. Mr. Coue mentioned that the right to collective bargaining is premised on two basic principles: it must enjoy full autonomy and must be voluntary. All workers are covered by CB except for the armed forces and the police. Collective bargaining rights cover teachers, state enterprise employees and security staff. The government should promote free and independent collective bargaining.
50. The ILO Specialist emphasized that without the right to strike, the right to bargain collectively is seriously hampered. Since strike is a fundamental right and weapon to defend economic interest, it is designed to enable workers to put pressure on the employers. He explained further that all workers have the right to strike except members of the armed forces and the police, government employees, and workers in industries considered as essential services. Essential services include the telephone services; air traffic controllers; hospital workers; and public utilities such as water, gas, electricity.
51. However, FoA is not a license to engage in any illegal acts or violence in the same token as the law of the land must not impair FoA. The sanctions against misconduct by trade unions done in the exercise of trade union rights must be tailored fit toward the specific misconduct of an individual or to the author of misconduct and not to impair the right to FoA. The government should balance its interest as a guarantor of public interest and safety, as well as of democracy. As an example, rallies should not be conducted in places where the public would be disturbed.
52. Mr. Coue pointed out that the absence of trade liberties render trade union rights meaningless. Political activities geared toward the fundamental mission of trade unions of social and economic advancement of workers is protected by the 1952 ILO Resolution. The government must refrain from attempting to

transform the trade union movement into an instrument of political aims and interfering in normal trade union activities due to its political activities.

53. In conclusion, he noted that government obligations are of two-fold: one, the government must NOT control trade unions, and two, the government must refrain from attempting to transform trade unions into an instrument for political gains. *(Please see the presentation of Mr. Jajoon Coue on the "Principles and Provisions of Freedom of Association, and Collective Bargaining" in Annex I.)*

ILO Supervisory Bodies and Implementation of FoA Principles
Justice Robyn Layton

54. As an introduction, Justice Layton explained that the presentation is specifically aimed at providing information about the structure and role of the ILO and the importance of the supervisory bodies in the implementation of freedom of association.
55. Professor Layton said that the Committee on Freedom of Association (CFA) is an organ of the governing body composed of nine members and an independent chair that meet three times a year. The CFA examines complaints submitted by governments, employers or workers organization. Complaints can be made even if the country has not ratified C. 87 or C. 98. Its sources of information are primarily documentary submissions by the parties as well as direct contact during missions. The CFA publishes decisions on cases, now numbering 2,500, which can be found in the ILO website. She summarized her discussion by noting that the supervisory mechanisms have become an important source of interpretation of ILO Conventions. *(Please see the presentation of Justice Robyn Layton on ILO Supervisory Bodies and Implementation of FoA Principles in Annex J.)*

Open Forum

56. Mr. **Hernani Braza**, President of the National Congress of Union in the Sugar Industry of the Philippines, asked the first question during the Open Forum. He premised his question on the fact that the ILO had long known about the effects of globalization such as contractualization, outsourcing, privatization of government services, all which greatly reduce unions in the private sector. He asked what the ILO had done to mitigate these adverse effects on the workers and unionism. Justice Layton agreed that globalization especially affected developing countries like the Philippines and that the ILO takes globalization into account in its programs so that each country can do better and smarter than the others to continue to improve its economy. She emphasized that ILO promotes social dialogue involving all sectors at all levels so everybody could

take part in consultations to ensure that decisions are not done at the expense of the labour force. However, Justice Layton admitted that the ILO cannot influence countries on how they would run their economies but can only persuade them to implement the standards contained in ILO Conventions.

57. Mr. Coue likewise admitted that globalization is a complex matter that stakeholders need to be involved and to sit down to a dialogue. He said that globalization breeds both losers and winners, and it's up to the countries, and not the ILO, which industries to support.
58. On Mr. Braza's follow up question on whether the ILO has no direct access to the decisions of countries, Justice Layton replied that ILO has nothing to do with decisions of countries and that globalization is an economic reality that individual countries must contend with. When Mr. Braza commented that ILO core standards are sacrificed to globalization, Justice Layton remarked that tripartite dialogue is not driven by the ILO and it does not control world communities.
59. On the question of Mr. **Rene De Los Reyes** of Tongonan Workers Union if there is a direct mechanism by which the ILO could intervene, Mr. Coue said that ILO could only intervene when there is a complaint filed at the ILO Committee on Freedom of Association. He added that ILO does not have the mandate to act as an arbiter on globalization issues; it could only urge or persuade countries to follow international standards.
60. Justice Layton suggested that in case of globalization issues impinging on unionism, workers should use first the mechanisms within the Philippines. She cited the SENA or the Single Entry Approach in the filing of complaints at the Department of Labor and Employment as an example. When nothing happens or the complaint is not resolved in the country, then it is the time to lodge a complaint at the CFA. Mr. De Los Reyes suggested that the ILO complaint mechanism be tabled as an issue for the workshop the next day, to which Justice Layton agreed.
61. Ms. **Merlyn Jara**, Union President at the University of San Agustin, expressed her gratitude to both Justice Layton and Mr. Coue for their very enlightening presentations about the ILO as it is a symbol of hope for ordinary workers. Her question focused on the case of the University of San Agustin that was filed in the ILO in 2007, wherein the ILO recommended the immediate reinstatement of workers in Capiz and Iloilo, but they have not been reinstated up to now. She asked what could an ordinary worker like her, who only wanted to work, expect from the said ILO recommendation.

62. Justice Layton replied that it is really up to the government to implement the ILO recommendations and ensure that employers conform to international standards. She explained further that ILO could only use moral suasion as well as provide governments with technical assistance that would facilitate implementation of ILO recommendations.
63. Mr. Coue went on to explain the procedures in lodging complaint at the ILO Committee on Freedom of Association. He said that complaints are received by the CFA, which are then investigated and recommendations are endorsed to the concerned government. The Committee also monitors the concerned governments' implementation of the recommendations.
64. Ms. Jara expressed the sentiments of workers at the University of San Agustin who were terminated just because they represented their fellow workers. She said she was very happy with the ILO recommendation to reinstate them but after six years they have not picked up their dignity because they are still without work. She further expressed her appreciation at what BLR Director Rebecca Chato intimated to be the directive of President Benigno S. Aquino III to tighten the gap between law and practice. She lamented that their situation is very difficult as they get terminated because of union work.
65. Justice Layton opined that the case of Ms. Jara and the other terminated union officers and members at the University of San Agustin was an example of a case that should not happen again.
66. Ms. **Elisa Mojana** of DOLE Region VII shared that from their experiences, they observed that the practice of the employers to just close the establishment and provide workers with separation pay than to let the workers organize defeats the purpose of the workers' right to self-organization.
67. Director Chato clarified that the reason why the DOLE is speeding up the conduct of Certification Election is precisely so that the employers could not close the establishment. She also informed the body that reforms are now being instituted at the Department. As an example, she cited that it is now mandatory for all DOLE to do Conciliation-Mediation to try as much as possible to settle the complaint so it won't materialize into a case anymore. The practice, in effect, dejudicializes the process. The BLR director was emphatic in declaring that the practice of some employers of closing shops because of unionization as an unfair labour practice (ULP). On the case of the University of San Agustin, she said that the case is pending at the Court of Appeals. Labor and Management have exchange pleadings and that Management's position had hardened. She said that the ILO High Level Mission called for out of the box solutions to labour conflicts. Thus, she hoped that the Court of Appeals won't issue a decision so DOLE could convince the Management of the University of

San Agustin to take back the workers. Director Chato also hoped that the case could be resolved outside of the legal process.

68. DOLE Region VI Director **Manuel Roldan** asked if there is any sanction for countries that do not sign and ratify international conventions. He said that the Philippines had been active in signing international conventions since the 1940s and from then had enacted laws to implement these conventions. He said that these enacted laws has not been enough to protect the workers, what more in countries that do not sign international instruments, especially in the Middle East. Mr. Coue replied that there is really no sanction for non-ratification. He clarified that non-ratification means the country is outside the ambit of the ILO. And that ILO does not sanction even countries who are signatories but use moral suasion instead. Justice Layton added that ILO is not the only international body that deals on human rights; there are other international bodies under the United Nations where complaints on human rights could be lodged. There are other indirect sanctions such as the trade sanction levied on Myanmar.
69. Ms. **Flordelis Geonzon** of DOLE Region VIII asked about the special procedures in the ILO supervisory bodies, including the nature of complaints and how to lodge complaints at the ILO. She was advised that the complaint mechanism is contained in the CD provided in the Seminar Kit as well as in the ILO website.
70. The Open Forum ended with an invitation from Mr. Coue for the participants to email him for any more question on the ILO.

*Overview of Regional Situation and Responses Addressing
Impunity and Violence Against Trade Unions*

71. OIC Director **Exequiel R. Sarcauga** presented the Situationer in Region VII. He said that there are 3.039M of working age population in the region, roughly 7.8 percent of the total national labor force. On the other hand, employment is pegged at 2.809M or 7.8 percent of the total employed in the Philippines. Unemployment is 231,000 while underemployment is 461,000. On unionism, there are a total of 967 registered unions, 295 of which are independent and 622 are charters or locals. The total number of union members is about 80,886, representing only a minuscule 2.7 percent of the Region's labor force.
72. Director Sarcauga commented that organizing a union in Region VII is more difficult than entering the eye of a needle, so to speak, because of the adversarial stance of employers against unions. He avers that this is because of the gap in convincing, instilling or enlightening the management sector on the value or importance of having a union rather than looking at it from a

controversial point of view. He used the case of a certain company to illustrate his statement. The union won in the certification election, but instead of recognizing the union, management closed shop. The timing was questionable because before the election there was a feeler circulating that the company would close as the owner is getting older; nothing of that sort was heard three months before.

73. The DOLE RO VII did exhaustive conciliation-mediation, but in the end, management would rather pay the workers and close shop than recognize the union. When management was informed that the union won the CE, management laid-off some probationary employees who are known either as staunch leaders, sympathizers, or union organizers. Probationary employees were the first to go under the guise of not meeting the standards set, thus not eligible for contract renewal. Again, the issue of timing and reason were questionable, said Director Sarcauga. Also, workers were misled by the union organizers themselves. Innocent workers were made to believe that if workers organize, management would tend to close shop and then the union has the opportunity to take over the management of the company.
74. Director Sarcauga continued that when the workers filed a complaint at the DOLE, management deviated from the union issues to other issues not raised in the Complaint. Also, the issue of unfair labor practice was never discussed in the disposition and decision of the case. The decision was sustained by the NLRC, however, the issue of ULP was never resolved.
75. Director Sarcauga concluded that the practice of management to close the establishments or transfer ownership, termination of worker, and false accusation are some of the hindrances to unionism in Region 7. (*Please see the presentation of OIC Director Exequiel R. Sarcauga on the "Overview of Regional Situation and Responses Addressing Impunity and Violence Against Trade Unions: Region VII" in Annex K.*)
76. On behalf of the Commission on Human Rights (CHR), Atty. Jonniel Dabuco presented a brief Situationer on Human Rights in Region VI. The CHR, according to him, continues to implement programs and activities aimed at promoting, protecting and fulfilling human rights in Aklan, Antique, Capiz, Guimaras, Iloilo and Negros Occidental.
77. He disclosed that from January to March 2010, 87 cases of human rights violation were docketed in Region VI, broken down as follows: 30 cases of murder and 22 cases of violence against women. The rest are physical injuries, rape, maltreatment of personnel, harassment, threats and unlawful arrests. Women and children top the list of those whose rights were violated. Alleged offenders are members of PNP (20), civilian (10), CPP-NPA (7), and others. The

CHR also extended legal assistance such as legal advice, referral to other government agencies and preparation of legal documents to more than 150 clients.

78. On labor cases, three employees who were allegedly terminated were provided legal assistance. The CHR also received several complaints concerning the non-remittance of SSS, which were immediately referred to concerned agency for proper filing of cases. It investigated the cases of eight labor union leaders, seven of whom were allegedly victims of extra judicial killing while the other case involved threat and harassment. These cases have already been filed with the proper courts though no judgment has been rendered because of lack of witnesses, absence of prosecutors and the dilatory tactics of some lawyers.
79. Atty. Dabuco ended by admitting that the human rights situation in Region VI is less than to be desired. He noted though that both government and non-government organizations are now their partners in their activities.
80. Assistant Regional Prosecutor **Kenneth Amamanglon** of DOJ Region 6 gave an overview of DOJ's responses during strikes. He said that the most common violation of law committed during strikes and pickets against unionists include grave coercion or grave threats, physical injuries, murder and serious illegal detention. He went on to explain that grave threat is committed by a person who threat another or by employers who refuse to honor the rights of their workers to freedom of association.
80. ARP Amamanglon said complaints are filed at the Office of the Municipal, City or Provincial Prosecutor in the place where the crime was committed or any of the essential evidence took place. A written complaint usually in a form of affidavit complaint signed by the complainant and duly subscribed to by an Officer. A complaint may be filed by the offended party or by his next of kin if he or she died or incapacitated. Other authorized party who may file complaints include the police officers, NBI agents, officials of SSS for violation of SSS Law, officials of OWWA and POEA for violation of Migrant Workers' Law or any law enforcement officer in charge of the case. Inquest proceedings, according to him, should be done fast and should be resolved by the investigating officer within seven days after the regular preliminary investigation.
82. Police Chief Inspector **Kim Legada** from Philippine National Police (PNP) Region VI presented the Regional Situation and Responses in addressing impunity and violence against trade unions. He started with the enumeration of the four strategies that the PNP follow in addressing impunity and violence against trade unions, namely:

- a) Adoption of Rule 19 of the PNP Operational Procedures (Rules on Labor Disputes);
 - b) Inclusion of Human Rights in required courses;
 - c) Institutionalization of the Human Rights Desks; and
 - d) Creation of task forces.
83. He explained that Rule 19 of the PNP Operational Procedures states that PNP officers should practice "maximum tolerance" during strikes or confrontation and this is strictly followed in Region VI to prevent violence arising from labour disputes. Chief Inspector Legada mentioned that often times, workers are emotional during strikes that they become violent, leading to injuries of both the workers and PNP contingents. Sadly, he said, PNP officers on the ground who unintentionally inflicted injury to workers are filed with cases. To prevent violence arising from heated confrontations, he suggested that parties should solve disputes through peaceful dialogue.
84. The Chief Inspector disclosed that Human Rights is instilled in the minds of police officers by including it in all the required courses in the PNP. He added that the preservation of human rights of the workers in a strike is the main focus of PNP's presence. And should they find violations of human rights during the said act, emphasis is given on investigation to give justice to the victims and prosecute the guilty parties.
85. PNP Region VI had likewise institutionalized a Human Rights Desk in its Regional Office. The Desk provides assistance especially when problems arise from labour disputes. PC/Insp. Legada gave the contact numbers (09178475757, 09202230577 or 033-3350277) and email address (pio_pro6@yahoo.com.ph), which the community could use to get in touch with the Human Rights Desk.
86. Also, task forces are created should there be irregularities arising from labour disputes to investigate the situation. PC/Insp. Kim Legada noted that there are no recorded incidents involving labour disputes between union and employers in Region VI yet. He ended his talk by saying that it is very peaceful in the Region, and in the event that problems arise, they are in the position to address it properly.
87. After the Situationers given by representatives from government, Ms. Merlyn Jara, representing the Federation of Free Workers was the first to air the side of the Labour Sector. She started her talk by quoting Mahatma Ghandi saying: "The earth provides enough to satisfy everyone's needs but not everyone's greed." She explained that money and power are the ticket of employers to get just what they need to influence over government agencies when deciding on cases, notably labour cases.

88. She cited the University of San Agustin Case, wherein employees of the university who were members of the union were terminated, and called the action as violence against unionism and to the formation of labour organizations. Likewise, deprivation of one's livelihood, due to participation in union activities, is considered as violence, according to her.
89. Ms. Jara also challenged the audience to weigh, whether the Philippines lack necessary laws protecting the interest and welfare of the workers, or it is just plain ignorance of the existing laws, therefore translating to non-enforcement of laws by the appropriate agencies. She suggested that there should also be a seminar-workshop on "How to Manage Greed."
90. Mr. Ron Hernan Braza, representing the Trade Union Congress of the Philippines (TUCP), shared their organizations' perspective on the issues affecting the rights of the workers to join labour organizations. He identified contractualization, outsourcing and security of tenure as major issues affecting the right of the workers in Region VI.
91. Mr. Braza explained that contractualization undermines the rights of the workers to form unions, therefore implying that they cannot engage in collective bargaining to attain more favourable agreements on wage increases and other benefits in the workplace. He said that as of 2009, there are 400,000 workers in Region VI. Only 30 percent of them are employed in medium and large industries; majority are in the small and micro-enterprises. Most of the 30 percent or 120,000 workers who are working in large establishments are now contractual employees. Therefore, they lack security of tenure because they are employed from three to six months only, which make them unable to join the union in their companies. This implies their failure to negotiate for collective bargaining agreements with their employers.
92. On the other hand, the 70 percent or 280,000 workers employed in small and medium enterprises (SMEs) face the same issue of contractualization as those working in large establishments, not to mention that not all workers in SMEs are receiving the minimum wage of P265 per day in Region VI because as stated in the Labor Code of the Philippines, establishments with 15 employees and below are not covered by the minimum wage law.
93. Following his discussion on contractualization, outsourcing and security of tenure, Mr. Braza then proceeded to raise other issues of workers in the Region. He said that TUCP membership, and in other trade unions, are substantially reduced. Also, more workers receive salaries below the minimum wage since the advent of SMEs and breaking up of big companies into small ones so as not to be covered by the minimum wage law. The failure of the Regional Tripartite

Wage and Productivity Boards (RTWPBs) to substantially address the need to increase the wages, as they can only increase wages by nominal amounts (P10-P20), per directive of Malacanang.

94. Mr. Braza likewise mentioned the issue of child labour, specifically in sugar plantations, which is still not resolved, either by the government or the union, since economic assistance is deemed a huge factor addressing it, rendering advocacies towards abolition of child labour fruitless. He also took note of the hostile attitudes of some employers in the Region, particularly the Filipino-Chinese, towards the unionization of workers, which hinders their right to exercise their freedom of association.
95. On the pre-mediation policy of the NLRC, Mr. Braza opined that although it is deemed as a good innovation, it could also turn out to be burdensome to the workers. According to him, it would take a lot of time, effort and resources for the complainant to go back and forth to the NLRC for the mediation. Also, the P500 fine imposed on the extension of submission of position papers at the NLRC is an added load to the workers and must be abolished.
96. Mr. Braza likewise called for the close monitoring of the Bond required as security for the worker's monetary rewards. He noted that even if the surety bond must be P1M, NLRC allows employers to reduce it to as low as P10,000 as substantial compliance; therefore posing no security for the worker/complainant should the employers abscond the case. He also complained of the delay in the institution of judgment of NLRC Labour Arbiters and the slow execution of final decisions by DOLE Sheriffs.
97. Another issue Mr. Braza raised was the delay in the implementation of Comprehensive Agrarian Reform Program (CARP). According to him, agricultural land, through city or municipal ordinances, are being transformed into residential or commercial purposes, which further delay the implementation of the CARP and at the same time violating the rights of the workers. He added that retired hacienda workers get only relocation benefits and no other support from employer.
99. On a concluding note, Mr. Braza called on everyone to do their share in uplifting the plight of workers and that if one recognizes a problem; then a way should be found to solve it right away than to wait for others to solve it for them.
100. Representing the Employer Sector is **Atty. Von Belona** of the Central Philippine University. Being the last speaker from the tripartite partners, he chose to build on the issues raised by representatives of the Labour Sector. He expressed his sympathy with the sentiments of Ms. Jara, but insisted that the case of the

University of San Agustin must be treated as an isolated case, rather than making it the general basis of the situation in Region VI.

101. On the issue of employers obstructing the right of employees to join the certification of elections by declaring a holiday or excursion on the same date, Atty. Belona recognized that it is, indeed, an unfair labour practice. However, if it was done in good faith, it might be considered okay; but if it is intentionally done to create a failure of certification election because there is a relatively low number of employees present to vote, then it is unfair labour practice.
102. He cited two types of establishment closures, namely, a) voluntary initiated by the management and b) involuntary due to lack of capital, substantial papers or imposed by the government (e.g., area of the establishment is covered by the land reform program). If closure of the establishment is done after the union won the certification elections, or done in bad faith, then it is unfair labour practice covered under Article 248 of the Labor Code of the Philippines.
103. On the issue of contractualization, he countered that the employers are only practicing what are provided in the law. And should the law be insufficient or ineffective; then there might be a need to amend the implementing rules and regulations of the related laws.
104. On the presentation by the Philippine National Police, Atty. Belona said that in behalf of the Employers in Region VI, he is happy to hear that there were no cases of violation of the rights of the workers. He surmised that it could be attributed to the maturity of the employers. Atty. Belona also said that the reported extra judicial or summary killings are not attributed to the pursuit of real unionism in the country, most especially in Western Visayas.
105. In conclusion, Atty. Belona recognized that the Philippines have lots of laws to address the issues raised by the workers, specifically the ones' pointed out by Mr. Hernan Braza, while urging everyone to make a move to address the laws which seems oppressive to both labour and to management.
106. After the Afternoon Break, Ms. **Sansaluna Pinagayao** of the Philippine Economic Zone Authority in Region VIII started the session on the Areas of Convergence: Related Responses. Ms. Pinagayao discussed the programs and responses in the economic zones in the region. She said that the Special Economic Zone Act of 1995 reinforces the government's efforts on investment promotion, employment creation and export generation.
107. She enumerated the economic zones in Regions VI, VII and VIII and the industrial relations programs implemented in the zones. In Region VII, where majority of the economic zones and IT Centers are located, the PEZA assists

DOLE in monitoring compliance with labor standards, labor relations regulations, occupational safety regulations, and employees' welfare regulations. She said there is also constant coordination with DOLE and its affiliate agencies concerning issues in the zone through the DOLE-PEZA MOA and the DOLE-PEZA-VERITE MOA.

108. Ms. Pinagayao added that PEZA also conducts continuing worker and management education on current labor laws and best practices through the conduct of such activities as the Workers' Education on Workers' Rights, CEO Forum on Labor Issues, and DOLE/ILO-sponsored Trainings for PEZA Officers. She likewise disclosed that the PEZA conducts conciliation and mediation on issues between workers and management at the zone level. *(Please see the presentation on the "Programmes and Responses in the Economic Zones in Regions VI, VII and VIII" by Ms. Sansaluna Pinagayao in Annex L.)*
109. Before presenting the TIPC Monitoring Body, Dir. Rebecca Chato explained first the follow-up actions to the ILO High Level Mission initiated by the DOLE. She said there are ten (10) cases pending before the ILO (ILO Case nos. 1914, 2488, 2546, 2528, 2252, 2652, 2669, 2716, 2745, 2815) and another one (1) which is unnumbered. The Philippines, she said, has four commitments under the HLM, namely, a) to ensure expeditious investigation, prosecution, and resolution of ILO pending cases; b) to create a high-level monitoring body; c) to work closely with the ILO and social partners through a Technical Cooperation Program to strengthen capacity of relevant government institutions in the promotion of labour rights; and d) to work on proposed legislative reforms to further strengthen trade unionism. She said the creation of the TIPC Monitoring Body, established in compliance with the HLM, was created through TIPC Resolution No. 1, Series of 2010.
110. The TIPC Monitoring Body, according to Dir. Chato, has the following mandate: a) facilitate "out-of-the-box" solutions to long standing ILO cases; b) monitor and report processes on CFA cases; and c) facilitate gathering of relevant information/complaints submitted to ILO for evaluation and recommendation of appropriate actions.
111. She explained the TIPC composition as 20/20, which is 20 for labour and 20 for employers represented by Employers Confederation of the Philippines. The composition has been expanded to cover other sectoral representatives although other invitees such as the KMU have not yet accepted the invitation to join the Council. She said RTIPCs can observe the same composition as that of the TIPC, depending on the representation. The PNP AFP, LGUs and other agencies can also be part of the composition as provided for in the Resolution.

112. Dir. Chato further explained that the Monitoring Body has Operational Guidelines on docketing of ILO cases/complaints; case profiling; case evaluation; and deliberation; and adoption of tripartite observation. She also discussed the process flow in the reporting of cases but emphasized that the Monitoring Body is not exclusive for cases from the ILO; it can also cover other cases like the APL case in Bohol on alleged militarization and branding of the union as an insurgent group.
113. She also said that the classification of cases by the TIPC Monitoring Body could possibly be labour-related and possibly not labour-related. She clarified though that the classification is not about removing the cases from the docket but it is just about prioritizing cases. She disclosed that the TIPC Monitoring Body had finished the comprehensive inventory of cases pending before the ILO, and the review of other pending cases.
114. Finally, Dir. Chato said that the concept of the Monitoring Body and its Operational Guidelines is now being presented for possible consideration by the RTIPCs by way of establishing RTIPC-Monitoring Body which could have the same function as that of the TIPC Monitoring Body. *(Please see the presentation on "TIPC Monitoring" by Director Rebecca C. Chato in Annex M.)*
115. The last speaker for Day 1, Atty. **Bibiano Reforzado**, Deputy Regional Prosecutor of the Department of Justice Region VIII, discussed the government's witness protection program. He said the program was established during the administration of Pres. Corazon Aquino because witnesses would not come out in the open for fear of their lives. He discussed R.A. No. 6981 or the Witness Protection, Security and Benefit Act, an enactment granting witnesses certain rights and benefits and defining their responsibilities upon admission to the program.
116. Atty. Reforzado explained the coverage of the program which include the following:
- a. Any person who has witnessed or has knowledge of, or information on the commission of a crime and has testified or is testifying or about to testify before any judicial or quasi-judicial body, or before any investigating authority, provided the qualifications are met;
 - b. In case of legislative investigation in aid of legislation, a Witness, with his express consent, upon the recommendation of the legislative committee where his testimony is needed when in its judgement there is pressing necessity, provided that such recommendation is approved by the President of the Senate or the Speaker of the House of Representative;
 - c. Any person who has participated in the commission of a crime and desires to be witness for the State, provided the qualifications are met; and

- d. An accused discharged from an information or criminal complaint by the court in order that he may be a State Witness pursuant to the provisions of Sec. 9 and 10 of Rule 119 of the 1985 Rules on Criminal Procedure, as amended.
117. He likewise discussed the rights and benefits of a witness covered under the program, e.g. housing facility, financial assistance, free medical treatment, hospitalization and medicines, burial benefit, and free education for dependent children in case of permanent incapacity of the witness. He explained that witnesses are provided with these benefits because they are not treated as prisoners. *(Please see the paper on Witness Protection Program by Atty. Bibiano C. Reforzado in Annex N.)*

Day 2

31 March 2011

118. The Day started with the Recap of Day 1 given by Mr. Jerome Yanson of BLR. It was followed by the discussion of Issues and Challenges on Freedom of Association and the Proposals to Address these Issues that can guide the participants during the Workshop. The discussion focused on the impunity and investigation, involvement of AFP and PNP in labour dispute, relationship between impunity and underlying concerns about employment issues and the actions that can be taken to address the issues.
119. Justice Layton presented the details on how to identify the issues. She said that should the identified issues be relevant to Region VI, VII, and VIII, the next step would be for the workshop participants to answer the "what, when, where and how" questions and answers to them. *(Please see the presentation of Justice Robyn Layton and Mr. Jajoon Coue on "Issues and Challenges on Freedom of Association and to Proposals to Address them" in Annex O.)*
120. After the presentation, participants were encouraged to identify more issues relevant in the regions but were not reflected in Justice Layton's presentation. Among the issues identified were the inclusion of labor standards in the high school curricula and college syllabi; and contractualization, outsourcing, and security of tenure.
121. Noticing the lengthy comments from the Labour Sector on outsourcing, contractualization and security of tenure, Regional Director Manuel Roldan requested the participants to unburden the resource speakers and just bring the items for discussion during the workshop proper, to which the participants agreed.

122. A question was also raised on whether there is an on-going study or an initiative to conduct one, on social and economic effects of outsourcing. Mr Coue replied that there is no definitive answer to that, but there is an on-going study on relationships between contractualization, unionization and economy.

Group Work

Problem Exercise 1

123. The participants were divided into four groups during the Mixed Group Workshop. They were given the case of Bango Banana Plantation Case. The objective of the Workshop is to enhance participants' understanding of the principles concerning civil liberties and freedom of association. The outputs of the four workshop groups were presented in the Plenary. *Please see the output of the Mixed Group Workshop in Annex P.)*
123. Before breaking up for lunch, the participants were divided into three groups by region for the Second Workshop. Because of the unequal number of participants from each region, some participants from Region VI were requested to join the group of Region VII. The objectives of the Second Workshop are to identify issues and solutions to improve application of FoA/CB and the enforcement of labour laws, as well as for prevention of impunity issues regarding violence against civil liberties for sound, productive and equitable labor relations. Participants were directed to discuss issues and constraints; propose solutions in the form of policies, strategies, programmes and coordinating mechanisms, identify capacity building needs and discuss convergence among different initiatives, if any. The outputs of the Parallel Groups were likewise presented in the Plenary. *Please see the output of the Parallel Group Workshop in Annex Q.)*

Synthesis

124. Ms. Marites Vinas, Provincial Head of DOLE Field Office in Leyte delivered the Synthesis of the two-day Seminar Workshop. She started with a brief sundown of the activities and then proceeded to the results of the Parallel Group Workshop, considered to be the focal point of the two-day activity.
125. Ms. Vinas said that the focus of the afternoon workshop was to list down issues and constraints in each respective region, and to come up with proposals on how to address them. During the Plenary presentation, the common areas identified in all the regions were as follows:

- a. Labour relations policies and enforcement, most specifically, addressing the issues of contractulization and sub-contracting. DOLE will have to meet*

with concerned agencies in crafting the amendments to DO 18-02, or the primary law on contracting and sub-contracting; and further cited what BLR Director Chato stated the day before that Private-Public Partnerships must be forged in order for this reforms to be carried out and implemented.

- b. *The Barangay Micro Business Enterprises (BMBE) Law is abused.* This issue was raised during the first day, and was subsequently floated during the presentations. The provision exempting enterprises registered under BMBE in the payment of minimum wage must be reviewed as it is contradictory to the Minimum Wage Law.
 - c. *Advocacy for Labour Education.* There is a need for comprehensive labour education, not only for the labour sector, but also for the employers (management) sector so the employers would also be able to appreciate the rights under FoA.
 - d. *Capacity Building Needs.* Capacity building activities such as trainings, should not only apply to the workers, but also for the implementers or those in charge of the advocacy of FoA and other labour relations concerns so they could be more effective in the delivery of their services in promoting and advocating for freedom of association.
126. Ms Vinas took note that if the freedom of association means the right of the workers to join organisations of their own choosing, then it should likewise mean their freedom not to join, if they do not wish to.
127. Ms Vinas also recognized that some issues and constraints will be aptly addressed by the Regional Development Councils (RDCs) of each respective region, and with that realization, mentioned that it will be best to forward such proposals to the RDCs so that it will have better acceptance among LGUs, establishments, and other government entities, in convergence to appreciate the freedom of association."
128. The last issue mentioned by Ms Vinas are those regarding BPOs raised by the Labour Sector. She emphasized that these should be discussed in a forum where BPO employers are present.

Closing Program

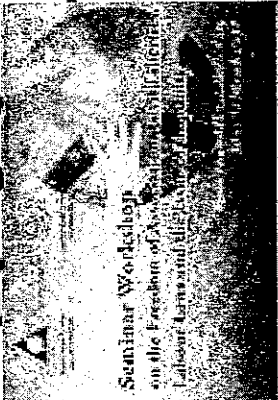
129. The Closing Program started with the awarding of certificates and token of appreciation to all the resource persons during the two-day Seminar Workshop. The certificates were awarded by Ms. Diane Lynn Respall of ILO Manila and Dir. Rebecca Chato of the DOLE Bureau of Labor Relations.

130. After the awarding, DOLE Region VI Director Manuel Roldan formally closed the Seminar Workshop. He jested that he knew everybody was eager to leave the room after two days of listening and inter-acting with one another. The hardest part, he said, was closing an interesting and exciting activity and saying goodbye to those you have met and bonded with in the past two days. Dir. Roldan said that by sharing together through active interaction, the lives of the participants were enriched about freedom of association and civil liberties, labour laws and issues of impunity. The Seminar Workshop, according to him, was also an opportunity to give recommendations towards ensuring that civil rights and freedom of association are adhered to, labour laws are reviewed, and freedom and civil liberties are being safeguarded.
131. In closing, Dir. Roldan expressed his appreciation to the ILO, through Director Jeffrey Johnson who opened the session on the first day, for sponsoring the Seminar Workshop. He also thanked the ILO resource persons Justice Robyn Layton and Mr. Jajoon Coue for their very valuable inputs and patience and perseverance in answering the questions. He likewise thanked the resource persons from other government agencies -- from the Department of Justice, the PNP and the AFP, DOLE Region 7, through its Director, for presenting the situationer of trade unionism in Cebu and the Commission on Human Rights for sharing valuable inputs. Director Roldan did not forget to thank the representatives from the trade unions, particularly from FFW and TUCP, as well as the employers' representative; and the staff from the DOLE Central Office, particularly from BLR, ILS and ILAB, and DOLE VI staff for their technical and administrative support. Finally, he thanked all the participants for their active participation contributed to the success of the Seminar Workshop.

#2 LABOR

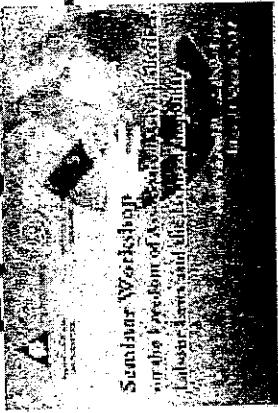
ATTENDANCE SHEET

Day 1 - 30 March 2011



	NAME	ORGANIZATION	SEX	TELEPHONE NO.	EMERGENCY NO.	SIGNATURE
1	RENE V. DE LOS REYES	TONGAREWA-WIKIWEI UNION	MALE	0900-245-0774		
2	MARLA E. SANCOS	AFRICA-ORGANCE	F	0903-323-0026		
3	HERNANDEZ J. ORRERO	AFRICA-ORGANCE	M	0903-230-304		
4	WARIE T. ESPADA	FPW - LSC CHAPTER	M	0901-701-1106	EDUARDO ESPADACON	
5	RUPERTO M. TAYAB	FPW - LSC CHAPTER	M	0908-260-3277		
6	MERCY D. JARA	FPW - VISAGE	F	0904-674-051	X	
7	HERNANDEZ J. BARAZA	NAOUSIP-TUCP	M	0901-184-9728		
8	RON HERNANDEZ BARAZA	PERIQUA-TUCP	M	0914-584-0604		
9	OSCAR ROSA C. LUIS D. SANCOS	INAY - PPW	M	0901-701-1020		
10	RODRIGO E. MELGAR	PERIQUA - TUCP	M	0901-137-3523		
11	JENNIFER S. VEGA	FPW	M	0917-807-090		
12	KENNETH AMARILLO	DOT - CRIES DE LOS PERIQUA	M	0918-666-8467		
13						
14						
15						

#2 LABOR



ATTENDANCE SHEET

Day 1 - 30 March 2011

NAME	ORGANIZATION	SEX	TELEPHONE NO.	CELL NO.	SIGNATURE
1. REJEY, DE LOS REYES	TONGAN WORKERS UNION	MALE	0900-345-0774		<i>[Signature]</i>
2. MARIA E. STANIS	NPAC - COCAINE	F	053-323-0806		<i>[Signature]</i>
3. GERARDO J. DROGOS	NPAC - NARCOTICS	M	09503230369		<i>[Signature]</i>
4. WARIE T. ESPADA	FPW - LSC CHAPTER	M	09210710116	09210710116	<i>[Signature]</i>
5. RUPERTO M. TAYAB	FPW - LSC CHAPTER	M	09082503277		<i>[Signature]</i>
6. MERLYN D. JARA	FPW - VISAGAS	F	0986474051		<i>[Signature]</i>
7. HERMANOY, BARAZA	MACUSIP - TUCP	M	09291819709		<i>[Signature]</i>
8. RON HERNANDEZ	MACUSIP - TUCP	M	0919584067		<i>[Signature]</i>
9. GONZALEZ, JULIO D	MACUSIP - TUCP	M	09174010704		<i>[Signature]</i>
10. RODRIGO E. PICHAN	MACUSIP - TUCP	M	09232373533		<i>[Signature]</i>
11. JUANITO S. VEGA	FPW	M	09198071090		<i>[Signature]</i>
12. KENEDY, ANTONIO	MACUSIP - TUCP	M	09186654879		<i>[Signature]</i>
13.					
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MGMT.

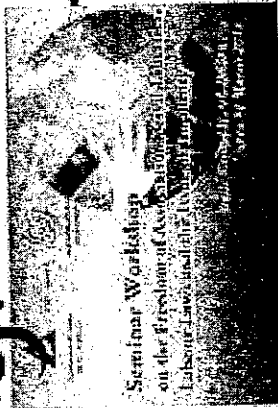


ATTENDANCE SHEET

Day 1 - 30 March 2011

	NAME	ORGANIZATION	SEX	TELEPHONE NO	EMAIL NO	SIGNATURE
1	APURA, EMMAHUEL A.	ENERGY DEVT CORP.	M	06647787440	09187837153	
2	BACUS, EDUARDO L.	ENERGY DEVT CORP.	M	09909090500	elbacus.2008@earthlink.net	
3	Delina, Michael	Lghy-Barriga, Bayle	M	09292200509	m1delina@gmail.com	
4	Conrado D. Balondo Jr.	Bethlehem Hospital	M	09182242139	09182242139	
5	Dr. Chinnai N. Manauka	University of the Philippines	F	33748411242	09187988425	
6	VINCENT POONS	SOLEDO INC.	M	881-2144	vin2-rusland@yahoo.com	
7	Perry Maryfray	University of San Agustin	M	33748412		
8	Alfonso O. San Juan	MANORSAO ROBINET CO.	F	09370091201		
9	WIKTOR Rhet V. Astorga	Energy Devt. Corp.	M	09178531521	astorga.rn@energydevt.com	
10	JOSEY-VAN Bedona	Central Phil. Univ.	M	09-5084598	bedonajosey@yahoo.com	
11						
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Magenta

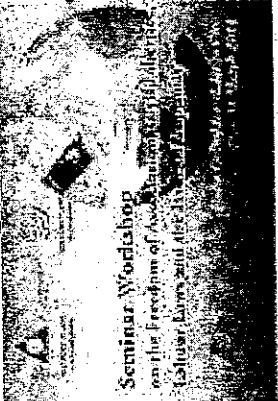


ATTENDANCE SHEET

Day 1 – 30 March 2011

	NAME	ORGANISATION	GENDER	TELEPHONE	EMAIL/CELL NO.	SIGNATURE
1	✓ Catherine P. Novella	Miss. Perai Indopac F	F			
2	✓ SPRECHER P. G. JF	✓ Union	M			
3		✓ EDC / L&P / T&P				
4	Elisa O. Moyana	DOLE RO VII, C.C	F	2535154	091929800202	
5	EXBAGNEL R. SANCHEZ	DOLE-7	M	2531381	0922887173	
6						
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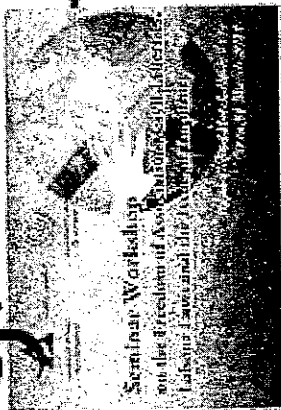


ATTENDANCE SHEET

Day 1 - 30 March 2011

NAME	OFFICE/ORGANIZATION	SEX	PHONE NO	EMAIL NO	PHONE
1. NICOLOAS S. SOUTHER	UNV - ONCAPAD	M	0917 4614139	→	0917 4614139
2. MARY KNOX / Lourdes Angeles	NCA - NCA - DOLE	F	0917 2177676		0917 2177676
3. COL ERIC CUCHITA	301 Bldg, 310, PA	M	0917 262 1999		0917 262 1999
4. CPT RANDY C. SUCIANO	- DO -	M	0917 310 2908		0917 310 2908
5. MARIA THERESA S. GARCIA	NRC - FH GN.	F			
6. ROSEMARIE G. OKINIO	NCHB	F	253 0025		253 0025
7. REYNOLDO T. ROSEN	NFA - RO8	F	251-2475 (055)		251-2475 (055)
8. BIBIANO C. REFORZADO	DOJ - RPO R.8	M	091 321 4884		091 321 4884
9. AMELIA B. DOGSA	NLRC - RAB 9	F	321-2425		321-2425
10. MARITES Z. VINTA	NLFO - DOLE TIV	F	325-6292		325-6292
11. Flor de Lys D. Gomez	DOLE - RO8	F	321-3308		321-3308
12. Sheldene M. Cordillan	DOLE - RO8	F	325-6292		325-6292
13. HENRY B. TANOSO	NLRC - RAB VI	M	402-4604		402-4604
14. Gen. Valeriano Sison	310 PA	M			
15. CPT OTHELIA MIRANDA	310 PA	M	0916 332004		0916 332004

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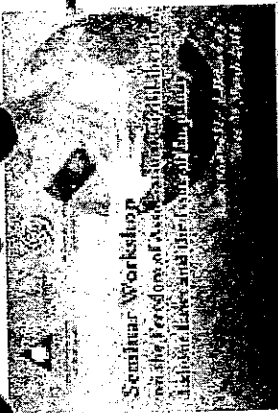


ATTENDANCE SHEET

Day 1 - 30 March 2011

	NAME	OFFICE/ORGANIZATION	SEX	TELEPHONE	EMAIL/CELL NO.	ROOM/RS
1	Catherine P. Novella	McC. Perini Industries	F			
2	SIMON T. G. JR	Union	M			
3		ABC / WASH DC				
4	ELISA O. MORA	DOLE RO VII C.C	F	253 5152	0919 248 0020	
5	EXSQUEL R. SANCHEZ	BOUE-7	M	253 1381	0922 887 1713	
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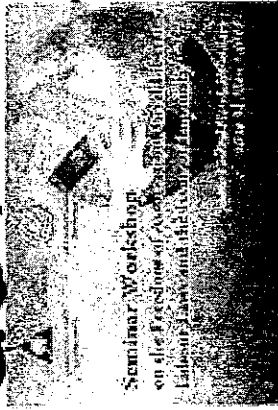


ATTENDANCE SHEET

Day 1 - 30 March 2011

	NAME	OFFICE/ORGANIZATION	GENDER	TELEPHONE NO.	EMAIL/CELL NO.	SIGNATURE
1	KEINSE KIM P. UGANDA	POPO, PRO C	M	09173029881	operations.2010@popo.gov.ug	
2	Rose A. Baidemumira	CHIR, Baidemumira	W	09053053319	baide@5711@yahoo.co.uk	
3	Dr. Rebecca Chata		F			
4	Suzanne Rodriguez	BLR	F			
5	Veronica Yansu		M			
6	Luz R. Rojas		F			
7	Celia Caballero	LS	F			
8	Rosario Mangochas		F			
9	Erica Jany Olivero		F			
10	Orsini N. Indica	DOE G	F			
11	JUNITE B. SIBATO	DOE G	F			
12	ALEX F. DIAZ	DOE G	M	09106341318		
13	DAVID B. VILLANUEVA	DOE G	M	0917982712	dox@villanueva.com	
14	CONNIE BACAY	BLR	F			
15						

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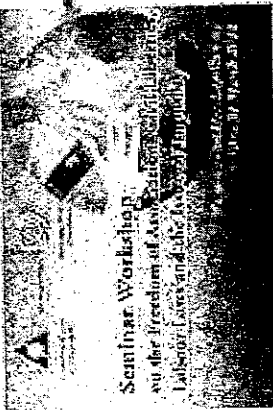


ATTENDANCE SHEET

Day 1 - 30 March 2011

	NAME	OFFICE ORGANIZATION	GENDER	TELEPHONE NO.	EMAIL NO.	SIGNATURE
1	Blaw Estano, Alex	DECC, CORDA	M	0917-634403	blawestano@yahoo.com	[Signature]
2	Alexandro					
3	RUFINO R. SAN JUAN IV	PERA- MEZ	M		423000000@gmail.com	[Signature]
4	DANIEL G. BINGIL, JR.	PPA- NGT D-6 J.C	M	537-4564	D. G.	[Signature]
5	MARK JASON MONTANO	NICA - C	F	334-0115	marka.nica@gmail.com	[Signature]
6	Alvin Marjio Tura B. Pablo	PEZA - MEZ	F		alvinpablo@yahoo.com	[Signature]
7	ATILIO JONATHAN DALENO	CHZ - Region VI	M	329-212-82	atilio@region6.gov.ph	[Signature]
8	RUTH C. PENCHE	PPA - DOJ	F	0909612774	rubenc@region6.gov.ph	[Signature]
9	MANUEL R. ROLDAN	DOJ Reg. 6	M		labuthe@region6.gov.ph	[Signature]
10	ARNEL M. AGABE	DLE 6	M	336-2652	leona@region6.gov.ph	[Signature]
11	ANGELINE K. AVILA	LAGU BANGU GO	F	331-4614	angeline@region6.gov.ph	[Signature]
12	FRANK MARGAY SOLIANO	PNP, PHOT	F	6427190227		[Signature]
13	CRISTINA K. ALCEBOSA	NIA - 10.MTO	F	09179028173	CRISTINA@nia.gov.ph	[Signature]
14	SALOME O. SIKTOR	DOLE, DOU	F	3264004	minimilim@region6.gov.ph	[Signature]
15	PSILFOT MELVIN GAYOTIN	PID, PLOG	M	09084451757	psilfot@region6.gov.ph	[Signature]

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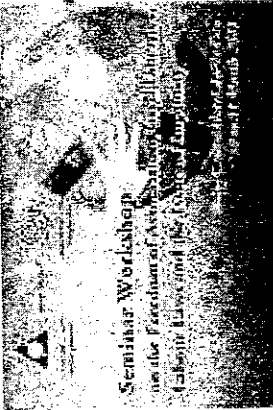


ATTENDANCE SHEET

Day 1 - 30 March 2011

NAME	ORGANIZATION	GENDER	TELEPHONE NO.	EMERGENCY NO.	SIGNATURE
1. Rolan Langston		F			
2. J. J. Jones		M			
3. J. J. Jones		F			
4. J. J. Jones	Unit of San Antonio Employees Union	F			
5. J. J. Jones	Unit of San Antonio Employees Union	F			
6. J. J. Jones	Unit of San Antonio Employees Union	F			
7. J. J. Jones	Unit of San Antonio Employees Union	F			
8. J. J. Jones	Unit of San Antonio Employees Union	F			
9. J. J. Jones	Unit of San Antonio Employees Union	F			
10. J. J. Jones	Unit of San Antonio Employees Union	F			
11. J. J. Jones	Unit of San Antonio Employees Union	F			
12. J. J. Jones	Unit of San Antonio Employees Union	F			
13. J. J. Jones	Unit of San Antonio Employees Union	F			
14. J. J. Jones	Unit of San Antonio Employees Union	F			
15. J. J. Jones	Unit of San Antonio Employees Union	F			
16. J. J. Jones	Unit of San Antonio Employees Union	F			
17. J. J. Jones	Unit of San Antonio Employees Union	F			
18. J. J. Jones	Unit of San Antonio Employees Union	F			
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24. J. J. Jones	Unit of San Antonio Employees Union	F			
25. J. J. Jones	Unit of San Antonio Employees Union	F			
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27. J. J. Jones	Unit of San Antonio Employees Union	F			
28. J. J. Jones	Unit of San Antonio Employees Union	F			
29. J. J. Jones	Unit of San Antonio Employees Union	F			
30. J. J. Jones	Unit of San Antonio Employees Union	F			

Labor



ATTENDANCE SHEET

Day 2- 31 March 2011

	NAME	ORGANIZATION	SEX	TELEPHONE	EMAIL/CELL NO.	SIGNATURE
1	Catherine D. NARCIZA	USE-PARI ROND				upmanned
2		+ free independent	F			
3		union				
4	ERENZA, PAN FERNAN	PELONUD-TICP	M			ERENZA
5	Rodriga E. MUDGAN	-do-	M			ERENZA
6	BENNY D. BONA (M)	PELON ATSAPE	M			ERENZA
7	WAGNER T. CEPADA	PPW - USE Chuvir	M	92-19761116	-sturnic p. golanico	ERENZA
8	PERCIE A. AGUIAR	ALCO TAPACA HERR ALDO	M	0930099901		ERENZA
9	BENE L. BLANCO	PELT ATSAPE	M			ERENZA
10	ANDRÉS JUVENAL	PELT ATSAPE	M	0911-7010700		ERENZA
11	VILLAFRUE, SUCORA	PELT ATSAPE	F	0930-794827		ERENZA
12	ASTORGA, CINTADA	PELT ATSAPE	F	09-20500192		ERENZA
13						
14						
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ATTENDANCE SHEET

Day 2- 31 March 2011

	NAME	OFFICE/ORGANIZATION	SEX	TELEPHONE NO.	EMERGENCY NO.	SIGNATURE
1	MERLYN D. JARA	FFW Visayas	F	---	09396874051	
2	RENEE M. DE LA ROSA	LEPC / Tuguegarao	M	---		
3	ARONILLO ROSER	FFW	M	4506656		
4	REGINA D. MONTANO	USA	F	227-48-43		
5	EDGAR TORRES	PACUWU TUCP	M	0939910219		
6	ELVIS ERA	PACUWU - TUCP	M	0968310051		
7	ROSEMARY T. PUNES	NFA RSCG	M	0908196068		
8	ANGELINA T. BONDAY	WIT - TUCP - PACUWU	M	0910284744		
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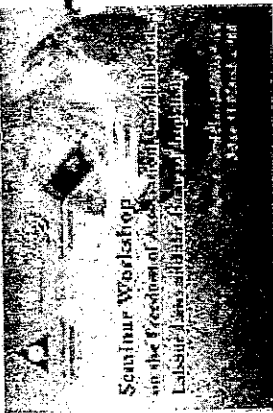


ATTENDANCE SHEET

Day 2- 31 March 2011

NAME	ORGANIZATION	SEX	TELEPHONE	EDUCATION	SIGNATURE
1. RUBEN M. TRINIDAD	FEW - LSC CHAPTER	M	09083103777		[Signature]
2. MARIA E. SANDIS	NFSA - COLOMBIA	F	099 922-1036		[Signature]
3. GERUNDO T. RAGO-DE	NFSA - VENEZUELA	M	09505276824		[Signature]
4. BERNARDA C. ARRAZO	EMHBL - PPW	F	09090709190		[Signature]
5. WILLIAM M. GARCIA	CEHEU - FFW	F	09099676163		[Signature]
6. TOMONISHA JAB	CEHEU - HAWAIIAN - APL	M	09229244130		[Signature]
7. BIRIGSO RUBEN B	BETHANY HON. / ASHA	M	09128998536		[Signature]
8. Samuel R. Ramirez	EDC - LACRED	M	09493738024		[Signature]
9. WILFLEDO B. MIRE	EDC - LACRED	M	09716946744		[Signature]
10. Raul Vasekha	CHHEU - HAWAIIAN A	M	096-620077		[Signature]
11. ARNEL LABARON	CHHEU - HAWAIIAN M	M	253711		[Signature]
12. Ma. Ina Grace Gao	CEHEU - 9th April	F	09076493408		[Signature]
13. ENRIQUE D. VEGA	FEW	M	09178020405	Surgeon - del Oydin	[Signature]
14. LINDA F. ARDAY	NUWASAIN - AP	M	09156222333		[Signature]
15. HERNANDE PRAZ	NUWASAIN - TUCP	M	0979165929		[Signature]

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ATTENDANCE SHEET

Day 2- 31 March 2011

NAME	OFFER ORGANIZATION	GENDER	TELEPHONE NO.	EMAIL ADDRESS	SIGNATURE
MARITES Z. VINAS	NLFO - DOLES	F	325-6292	deletero_nlfo@yahoo.com	[Signature]
Flordelis D. Guezin	DOLES-POB RSSD	F	321-3308		[Signature]
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Emmanuel					
Adrian M. Andreson	LGU BARBERS	M	331-4019		[Signature]
MARY JACSON MONTANO	NICA - C	F	937-015	nica-nlfo@yahoo.com	[Signature]
PAP B. MUCABER	DOLES-POB	M	424926		[Signature]
MARIA THERESA S. GILAS	NLRC - FTH DV.	F		tesoloso@yahoo.com	[Signature]
CRISTINA R. ALGABITA	NICA - SCIMO	F	0917302873	CRISTINA1951@gmail.com	[Signature]
HENRY B. TARIOSO	RAB-61 NLRC, BARBERS	M	433-4604		[Signature]
BIBIANO C. REFORZADO	DOJ - KPO R-8	M	02313214884		[Signature]
ROSA MUDAGOR Y SOLIMANO	PNP, PPOF	F	0222777907	niko_yolimar@yahoo.com	[Signature]
JOSEAN ALEXANDER BISTIMO	CEUTCOM, PA	M			[Signature]
Silvane O. SIAHRO	DoLE, ROU	P			[Signature]
Angelia N. JUDICPA	DOLE C	F	0917379046	angy-judicpa@yahoo.com	[Signature]

Raymundo T. Parnes LFB pages 41 - 998/998008

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ATTENDANCE SHEET

Day 2- 31 March 2011

NAME	ORGANIZATION	SEX	TELEPHONE NO.	EMAIL NO.	SIGNATURE
NICOLAS J. SANTO	UPV-ONAPAP	M		09178614128	
AMELIA M. CATALAN	DOLE - RO'S	F	59105706413	adulor@nff.org.ph	
ANDREA C. BARRERA	PMA-DETO-ED, C	M	337-45664	N/A	
AMELIA B. DOCEÑA	NLR-C, B&S	F	921-2825		
CPT PATRICIA E. SANCHEZ	MLA, 310, 1A	M		09173003406	
ROSEMARIE D. ANJIO	NCLR'S	F	092-253625		
Thyana Gland D	DOLE - VII	F	853-5156	loring@nff.org.ph	
Maribel L. Larioses Asensio	NCLR	F	091-9730901	we.kendall@nff.org.ph	
WALTER C. BALETA	DOLE VI	M		lola@nff.org.ph	
JOSEPH VICTORIA	DOLE Day B&S	M	0917626168	0917626168	
SWIFT WENING GRANT	FAP	M	29089451757		
JOE KUP-F. LORAN	PMA-C	M	09173029581		
Michaela D. Lina	LSU - Borings Life	M			
RUTH C. PERACHO	PMA - DOJ	F	9906122215	repec@nff.org.ph	
NIDY GEORZON	NCLR - RES	M	0919-470 0025		

16 CHRISTOPHER S. MIRANDA
17 JUAN CARLOS R. RUIZ

AFP
DOJ

M
F

Lawrence Jeff Johnson
Director, ILO Country Office for the Philippines

Seminar-Workshop on Freedom of Association, Civil Liberties, Labour Laws and the
Issue of Impunity (Visayas)

Iloilo City, Philippines

Greetings:

Director Chato
Of the Department of Labor and Employment

Our constituents representing the government, employers' and workers
organizations from the Visayas region

Distinguished speakers and resource persons

Representing:

- Employers and workers organizations
- Department of Justice
- Commission on Human Rights
- Armed Forces of the Philippines

Honourable Justice Robyn Layton, former member of the Australian Supreme Court
and former Chairperson of the ILO's independent supervisory body, and the
Committee on Experts on the Application of Conventions and Recommendations

Jajoon Coue from our Decent Work Team in Bangkok

Ladies and Gentlemen,

Maayong buntag Visayas

Women and men around the world have rights at work –

- Right to organize and have a voice,
- Right to full respect of human dignity,
- Equal opportunity, and
- Rights to decent and productive work.

Rights at work are essential to sustained economic and social progress. Since its early days, the ILO has sought to define and guarantee labour rights and improve conditions for working people through a system of international labour standards expressed in the form of Conventions, Recommendations and Codes of Practice.¹

Rights at work are enshrined in the Universal Declaration of Human Rights. As the Declaration affirms, everyone has the right to work, to just and favourable conditions of work and protection against:

- Unemployment in Article 23, including the right to security in such circumstance as stated in Article 25 of the Declaration
- To equal pay and just remuneration, and
- The right to form and join trade unions.

The Universal Declaration of Human Rights was adopted in 1948, the same year the ILO, which is made up of government, employers and workers representatives adopted in ILO Convention 87 on Freedom of Association and Protection of the Right to Organize Convention.

ILO Convention 87 calls to protect freedom from restrictions or infringements by the State. At the same time, it protects the right of workers and employers to form and join organizations and to freely decide on internal matters without interference from public authorities.

One year later, the ILO Tripartite Partners adopted a second Convention – ILO Convention 98, the Right to Organize and Collective Bargaining Convention.

ILO Convention 98:

- Protects workers against acts of anti-union discrimination
- Protects workers' and employers' organization against any acts on interference by each other, and
- Promotes collective bargaining

Since 1948, the Philippines has been an active member of the ILO, giving support to policies and programmes. The Philippines has ratified 34 ILO Conventions, of which 32 are currently in force. This includes ILO Conventions 87 and 98.

¹ ILO at a glance, 2007.

In 2009, the Philippine government has accepted the ILO High-Level Mission. It affirms the commitment of the Philippine government to full and effective application of ILO Convention 87 and 98.

The ILO High Level Mission recommended both short-term and long-term programmes, which includes strategies to end a climate of impunity, particularly cases involving violence against trade unions.

The ILO supported the Philippine in implementing recommendations of the High Level Mission: includes awareness raising and capacity building to help identify gaps and propose solutions.

At the same time, it emphasized the need to enforce freedom of association in the context of human rights and civil liberties. Highlights of these past initiatives include:

1. Enhancing knowledge of officials, including key security officers from the Philippine Economic Zone Authority on Freedom of Association, Collective Bargaining and Labour Law Implementation
2. Equipping arbiters, mediators and conciliators of the Department of Labor and Employment, including officials of the Philippine Economic Zone Authority with techniques on conciliation, mediation and arbitration
3. Improving use of International Labour Standards in the judicial decision-making among justices and lawyers from the Supreme Court and Court of Appeals as well as among DOLE conciliators, mediators and arbiters in dispute settlements
4. Raising awareness of governments, employers and workers' organizations on the principles of freedom of association, collective bargaining and links to civil liberties and human rights including strategies to advance investigation, prosecution and conviction.

In the spirit of social dialogue, the Philippine government, employers' and workers' organizations including the police and armed forces were involved in various efforts to apply the recommendations of the High Level Mission.

Previous activities covered Metro Manila, Region III and Mindanao. Indeed, it is a welcome opportunity to cover the Visayas region in the next two days, covering distinct context of each region around the country.

As part of ILO's continuing support to the Philippines, sessions in the next two days will seek to:

1. Look into the possibility of moving forward the investigation, prosecution and resolution of pending cases involving trade unions;
2. Obtain a better understanding of principles and interrelations of freedom of association, civil liberties and their enforcement including how to achieve this together with partners – government, employers' and workers' organizations;
3. Define specific roles of social partners, including those in economic zones in Visayas in relation to the principles of freedom of association; and
4. Enhance social dialogue mechanisms as a tool for better application of principles of freedom of association and right to collective bargaining

Similar to past activities, our objective in the next two days is geared not only to discuss problems but also to find solutions that will help improve policies, practices and mechanisms. However, we do recognize that changes will not happen overnight. And that change requires the support and active involvement of all parties.

The recent global economic crisis has undermined efforts to achieve sustained economic and social growth, in which freedom of association is a vital element. After the global economic crisis, workers who lost their jobs faced uncertainty and insecurity often compounded by the lack of social dialogue and social protection mechanisms. We must remember the only asset that the poor often have is their labour without decent and productive employment. We will not achieve the goal of poverty elevation as specified in the Medium Development Goal.

Poverty anywhere is a threat to stability and social progress everywhere.

Rather than becoming unemployed, many people were forced to take whatever work they could find just to survive.

This results in an increasing trend of valuable employment, growing level of inequality and worsening condition of poverty.

In June 2009, governments, employers' and workers' organizations unanimously adopted the Global Jobs Pact as a response to the global economic crisis.

The Pact is currently being used in a number of countries to guide national and international policies. It is centered on accelerating decent and productive employment creation and building social protection systems.

At the same time, the Global Jobs Pact reinforces that respecting fundamental principles and rights at work, promoting gender equality and encouraging voice and participation are critical to recovery and development.

The Pact is about protecting people while safeguarding rights and promoting dialogue to help achieve sustainable development.

In times of crisis, respect for freedom of association serves as an enabling mechanism to productive social dialogue.

Social dialogue is essential during times of crisis for all parties. During the initial months of the global economic crisis, companies in Germany such as Porsche, Mercedes-Benz brought workers and management together to discuss how to deal with the impact of the crisis. The two sides worked together to establish a work sharing arrangement that allow the firms to avoid layoff. This simple act protected workers livelihoods at a time of crisis and allowed the firms to maintain their skilled workforce and resume producing quality produces as the economy stabilized and began to recover.

DOLE, along with the social partners, has taken the initiative to prepare the Philippine Jobs Pact. Your active support and participation can help set and shape the Philippine Jobs Pact in order to achieve equitable and sustainable inclusive greener economic and social progress in the country.

As we discuss the importance of Freedom of Association, we take this time to remember ILO constituents and the people of Japan. Japan has also ratified both ILO Conventions on Freedom of Association and the Right to Organize and Collective Bargaining. We express our sympathy and solidarity as the country recovers from the tsunami.

In closing, let me acknowledge DOLE for coordinating preparations for this seminar-workshop.

Together, we can effectively address challenges in the Visayas region, in the context of freedom of association and the right to collective bargaining.

Let me assure you that ILO is committed to partner with you to guarantee respect for fundamental principles and rights at work.

Thank you and Mabuhay!

Message¹ of
 TUCP PRESIDENT ATTY. DEMOCRITO T. MENDOZA
 at the opening of the ILO/DOLE SEMINAR WORKSHOP ON THE
 FREEDOM OF ASSOCIATION, CIVIL LIBERTIES, LABOUR LAWS AND
 THE ISSUE OF IMPUNITY
 30-31 March 2011, Iloilo City

DOLE Secretary Rosalinda Dimapilis-Baldos
 ILO Country Director Lawrence Jeff Johnson
 fellow travelers in the trade union movement
 representatives in the employer and government sectors
 ladies and gentlemen.

We are happy to be in this program.

We commend the ILO and the DOLE
 for implementing an awareness-raising program
 to increase appreciation by workplace stakeholders
 of core labor rights and other human rights,
 and perhaps mitigate violations of these.

As a country, we are proud
 to be one of the only three² countries in the ASEAN
 to have ratified the eight ILO core conventions.
 And one of our strengths as a nation is that
 we have good labor laws
 that we at the trade unions have patiently advocated for.

We are proud that this seminar
 could look at the issues on workers' rights
 --in enforcement of labor laws
 --and would try to improve compliance.

Ang totoo, kung gumagaling ang mga manggagawa
 sa usaping karapatang paggawa
 gumagaling din ang ibang sector
 sa pagpuksa ng mga karapatang ito.

¹ Delivered by NACUSIP/PACIWU-TUCP Deputy General Secretary and TUCP Director for Youth ROLAND DE LA CRUZ

² The other two countries are Indonesia and Cambodia. ILO Core labor conventions include: (a) freedom of association the right to collective bargaining; (b) elimination of forced or compulsory labor; (c) effective abolition of worst forms of child labor; and (d) elimination of discrimination in respect of employment and occupation.

Marami pa ring
nararanasang kahirapan ang mga manggagawang nais mag-union.
Kabuhayan, dugo, at kung minsan, ay buhay ang katumbas
ng pagsusulong sa mga karapatang ito.

Kung minsan, hindi namin matanggap
na ang pinasasahod ng aming buwis
ay kasama sa nagpapahirap sa mga manggagawa.

Ang dami ng impunity!

Impunity does not apply only in extra-judicial killings.
Impunity also applies when laws are not properly implemented.
It applies when LMCs or organizations masquerading as cooperatives
are used to supplant unions.

There is impunity when leaders of budding unions
are harassed, threatened, summarily dismissed, or even killed.

There is impunity when regular jobs are eliminated,
and replaced with contractuels.

There is impunity when social dialogue mechanisms
are subverted by non-representative unions.

So what are we here for?
What would this seminar accomplish?

Trade unionists are patient.
We have unconditional positive regard for everything!

All these years,
genuine moderate unions have held back
the advances of unions with 'dark agendas'.

We have seen aggrieved workers taking action.
which we have not endorsed.
Workers and unions are taking matters
into their own hands to fight impunity their way.

We need to ensure that these actions
are consistent with laws and regulations.
We need to ensure that there is justice ...
and that workers see clearly that justice is being done.

Message of Mr. Theodore Neil Lasola
Vice President for Visayas
Delivered by Ms. Merlyn Jara
Federation for Free Workers

Brothers and sisters in the labor force, our partners in the Government and the employers group, and friends from the ILO, good morning.

We are happy for this opportunity given by the ILO to be together with our fellow workers and social partners in undertaking to understand better the essence and true implication of the freedom of association with the right to strike.

All of us here present are fully aware that the right to organize and form labor organizations, as well as our right to strike, is explicitly enshrined in our Constitution. But not all are fully aware that these basic constitutional rights are also enshrined in ILO Convention No. 87 ratified by the Government of the Republic of the Philippines. By ratifying ILO Convention No. 87, as far as the Philippine Government is concerned, the provisions of said ILO Convention became an international law. We have proudly given our commitment to the international community that the country will observe and abide by its provision.

Our Constitution expressly states that international law forms part of the law of the land.

We, therefore, thank the ILO for giving us this opportunity. In behalf of FFW, we welcome all of you to this Seminar Workshop.

Thank you very much.

ATTY. VON BELONA
Central Philippines University
Representing the Employer Sector

Our keynote speaker this morning, Dir. Rebecca Chato of DOLE-BLR, Dir. Jeff Lawrence of the ILO, our partners from the labor sector, representatives from the Trade Union Congress of the Philippines, and Federation of Free Workers (FFW). I am also greeting the representatives from the Commission on Human Rights (CHR), Director David Bermudo and the representatives from the Armed Forces of the Philippines (AFP) and the Philippine National Police (PNP), my fellow participants and aspirants for genuine reforms in the exercise of right to self-organization, including the freedom to organize and bargain collectively which we can harmonize with management prerogatives. Good morning to all of you.

I cannot categorically claim that I represent the entire employers in Visayas. However, in the exercise of my profession, I was able to come up with an employers' perspective on overview of the regional situation in addressing impunity and violence against trade unions. We are familiar of the message of a Governor delivered during the 6th Congress of the Philippines. He said "Labor is not a commodity, but human, and it must be there from the standpoint of human interest". And for that reason, I congratulate DOLE and ILO for the true and noble mission to move forward the investigation, prosecution and resolution of pending cases on extrajudicial killings, harassment and abduction involving trade unionists and promoting greater awareness and capacity building on freedom of association, civil liberties and enforcement of labor laws, among all relevant partners -- trade unions, workers, employers and their respective organizations. Employers are very much interested in this kind of mission because in this way, we can categorize and segregate the mature employers and responsible employers from the group of employers (to undergo) education and training for them to become mature and protect the integrity of employers group.

Your choice of venue for workshop is commendable because statistics available at the DOLE, headed by Dir. Roldan, points you, that for three years, there was no strike staged here in Region 6. I have the opportunity to talk with the Chairman of Senate Committee of Labor and I asked him what would be your approach now insofar as the development of our labor justice system. He said "with this prevailing problem in our country today, the Senate Committee of Labor is more inclined towards providing better protection to displaced workers, including those aspiring for employment." And I take this opportunity to congratulate the ILO once again, because in the absence of a specific program in our government today about this kind of endeavor, we have now this kind of seminar addressing impunity and violence against trade unions.

We have our different interpretations about impunity and violence, but sometimes in CBAs, we do not treat them as impunity but there is specific procedure

addressing these kinds of violation. Impunity must be a direct violation of specific rights. But insofar as addressing specific problems, we have a different mode and we would like to address these kinds of problems by looking at constitutional provision on voluntary mode of settling labor dispute without disregarding jurisdiction of labor arbiter based on Art 217 of the Labor Code. We have this kind of endeavour today and probably, with the active participation of different labor and employer organizations, we can resolve minor matters xxx.

Your choice of venue today points out that there is industrial peace in the city. And for that reason, you are free to go around the city after the seminar-workshop without fear of summary execution. On behalf of employers sector in Region 6, I warmly welcome to the city of Iloilo, particularly on this seminar workshop on freedom of association, civil liberties and labor law and the issue of violence against trade unions and impunity. Good morning to everyone. Thank you.

Message of BGEN SINAJON
Seminar Workshop on the Freedom of Association,
Civil Liberties, Labor Laws and the Issue of Impunity
Iloilo Grand Hotel, Iznart St., Iloilo City
30 March 2011

Department of Labor and Employment, Director Jeff Lawrence Johnson, International Labor Organization, Director David M. Bermudo, of Commission on Human Rights VI, ECOP Rev. Jonie Howard Gico, other local government officials and representatives; leaders of the ecumendical assemblies; non-government organizations, and other civil societies of the region.

Good morning.

In behalf of MGen Vicente M. Porto AFP, Commander of 3rd Infantry Division, Philippine Army, please accept our sincere appreciation for inviting us today to be part of this endeavor. I have with me Col Eric Uchida, Deputy Bde Commander of 301st Infantry Brigade, Major John P Andrada (Inf) PA, Acting Battalion Commander, 3rd CMO BN, CPt Christopher B. Miranda, the 3rd infantry Division Lawyer and Cpt Ronald S. Suscano, Asst. CMO Officer of 301st Infantry Brigade.

This Seminar Workshop on the Freedom of Association, Civil Liberties, Labor Laws and the Issue of Impunity aims to seek into the possibility of moving forward the investigation, prosecution and resolution of pending cases of extrajudicial killings, harassment and abduction involving trade unionists and to promote an integrated awareness-raising and capacity-building of freedom of association, civil liberties and enforcement of labor laws among all relevant government partners.

We, in the AFP, are stakeholders in our labor sector. Our interest is in labor without problems, without unrest, without trouble since the labor sector is one big source of revenue which fuels the government and provides funds to sustain the Armed Forces.

The Armed Forces of the Philippines, particularly the Philippine Army is focused on educating the AFP personnel and give emphasis on the awareness on human rights. The Philippine Army believes that the more our troops become aware of the political system that they are mandated to defend, the more effective they will be in protecting that system.

This activity will provide us better understanding of freedoms, civil liberties, labor laws and the issue of impunity. Rest assured that the Philippine Army will cooperate to bring peace and development in our nation.

Thank you very much.

DRAFT Keynote Message of Secretary Rosalinda Dimapilis-Baldoz
Seminar-Workshop on the Freedom of Association, Civil Liberties,
Labor Laws and the Issue of Impunity
Iloilo Grand Hotel, Iloilo City
30 March 2011

GREETINGS/ACKNOWLEDGEMENT

To colleagues, AFP, CHR, DOJ, LGU and DOLE family, Dir. Roldan, Good am. It is a momentous event. First time to have this interaction in region 6. The secretary really wanted to come, but you know the situation in Middle East. The same with Usec. Hans who is supposed to be here. Employees in the airport here are okay.

Before I read the message. First time for ILO contingent in Iloilo, we have coue, respell, Justice Layton who chaired the Committee of Experts. The ILO is our consistent strong partners strongly advocating the 3rd cycle of the Decent work agenda as well as the 4th cycle. We are also working the Jobs Pact which is the first for the Phils.

I join the other speakers in expressing their support to this two-day seminar. This is the seventh of a series of follow-up capacity-building activities to the previous activities organized by the DOLE and ILO. The last seminar was in Davao City, last December 2010. Justice Layton, Mr. De Meyer and Mr. Coue were with us during the Davao Seminar. They shared their time and expertise to raise awareness of the tripartite partners on international labor standards particularly on the principle of freedom of association and its link to civil liberties and human rights.

The previous seminars were very fruitful, and I anticipate that this *Seminar-Workshop on the Freedom of Association, Civil Liberties, Labor Laws and the Issue of Impunity* would also be as fruitful and develop better understanding, among tripartite stakeholders, of the underlying universal core principles of Section 3, Article XIII of the Philippine Constitution and our labor laws.

I understand the International Labor Organization will run us through the gamut of the ILO supervisory mechanisms and the Convention on Freedom of Association (Convention 87) and its link to civil liberties and our labor laws.

As we all know, ILO Conventions have a special status for two reasons: First, all ILO member states have an obligation to promote and implement these Conventions notwithstanding failure to ratify the relevant conventions. Second, these standards are

contained in key human rights documents, including the Universal Declaration of Human Rights.

Thus, ILO Conventions must be appreciated as guiding principles in the application of our domestic laws. Our Government is a signatory to ILO Conventions and has given greater importance to international conventions and instruments adopted by the UN system. In fact, the directive of the Aquino Administration on this concern is loud and clear - *"Align our country's labor policies with international treaties and ILO conventions in a sound and realistic manner."* [POINT 7, THE 22-POINT LABOR AND EMPLOYMENT AGENDA OF PRESIDENT BENIGNO S. AQUINO III]

The Seminar-Workshop emphasizes on the Freedom of Association where gaps in our application of the Convention, both in law and practice, were identified by the ILO High Level Mission to the Philippines' January 2010 Report. They came here from 22 September to 1 October 2009 to obtain a greater understanding of the application of Convention No. 87, in law and practice, and to provide detailed information on the trade union situation in the Philippines to the ILO supervisory bodies. The HLM observed that the issues involved in the area of freedom of association could essentially be categorized into two groups: 1) those relating to violence, intimidation, threat and harassment of trade unionists and an absence of convictions in relation to those crimes and; 2) obstacles to the effective exercise in practice of trade union rights.

On obstacles to the effective exercise in practice of trade union rights, the Report indicated that *"...The unions raised various situations where they had been effectively blocked from exercising trade union rights for decades and where any advances in this respect were few and far between..."* and *"...despite the good will of the parties responsible for applying the law, decisions taken were regularly appealed and long court battles ensued with appeals all the way up to the Supreme Court, which would, in some cases, make judgments on the appropriateness of a detail in the application of the law that would appear to be better left to the discretion of the implementing authority. Over the years this appears to have given rise to certain jurisprudence in the field of labor law which was complained by many to be arcane and often incapable of meaningful application."*

These are the challenges not only before government representatives but also before workers and employers' sectors. As tripartite constituents, we are primarily responsible to ensure that the workers' rights at work are protected. Thus, the directive to the Department of Labor and Employment (DOLE) is to *"Promote not only the constitutionally protected rights of workers but also their right to participate in the*

policy-making process" [POINT NO. 3, THE 22-POINT LABOR AND EMPLOYMENT AGENDA OF PRESIDENT BENIGNO S. AQUINO III]

This was observed during the previous seminars where participants from the government, employers and workers particularly from Laguna, Subic, Clark, Bataan, Tarlac and Davao were invited to identify issues and gaps, in law and in practice, in the application of the principles of freedom of association, and propose solutions to address the same. The activities likewise identified areas of action and generated from tripartite stakeholders strategic responses to address the gaps.

Considering that the previous seminars were mainly concentrated in Luzon, we recognized the need to extend the intervention to Mindanao and Visayas where there are allegations of violations of ILO Convention No. 87.

Accordingly, in addition to the actions taken by the Philippine Government in key areas of concern -- addressing the issue of impunity; exploration of "out of the box" solutions to long-standing cases; labor law reforms; technical cooperation; and capability-building seminars/activities -- institutional reforms are currently being undertaken under the Aquino Government to realize the commitments made to the ILO.

With the goal to have sound labor relations and industrial peace based on social justice, the DOLE implements a package of reforms in labor arbitration and adjudication system. The approach is two-pronged. The first, are reforms in the existing system by ensuring transparency, efficiency and integrity in the labor dispute settlement system, and the second, are reforms intended to transform the traditional American-based conflictual and litigious labor relations system towards one that is reflective of Asian and Philippine culture of consensus building. Under the second approach, the major reform is the de-judicialization of the labor dispute settlement system through Alternative Dispute Resolution (ADR) using a 30-day mandatory conciliation-mediation of all labor cases DOLE-wide and developing an industry-based conciliation-mediation through the Industry Tripartite Councils at the national and local levels.

At the heart of de-judicialization is the promotion of inclusive tripartism and social dialogue through the reconstitution of the Tripartite Industrial Peace Councils at the national and regional levels and the strengthening/reactivation or creation of Industry Tripartite Councils nationwide towards industry self-regulation governed by industry voluntary codes of good labor-management practices. Look at best practices as benchmarks. The package of reforms has the support of the sectors as expressed in National Tripartite Industrial Peace Council Resolution No.3, Series of 2010, endorsing and extending tripartite support to the DOLE initiated reforms in labor arbitration and

adjudication system and in strengthening tripartism and social dialogue, and the succeeding resolutions supporting specific area for reforms.

Last March 21, we launched the PPP on Labor Governance. We hope to translate the commitments to move forward and be compliant international standards. Given all these, we must make sure that we have a clear understanding of the principles of freedom of association and their links to civil liberties and human rights. This brings me to the objectives of this activity, which are:

1. To look into the possibility of moving forward the investigation, prosecution and resolution of pending cases of extra-judicial killings, harassment and abduction involving trade unionists;
2. To promote an integrated awareness-raising and capacity-building on freedom of association, civil liberties and enforcement of labor laws among all relevant government partners, trade unions, workers, employers and their organizations, particularly those found in the economic zones;
3. To clarify or define the roles of the social partners in the economic zones in the observance of the principles of freedom of association; and
4. To enhance social dialogue mechanisms as a tool for better application of the principles of freedom of association in the economic zones.

Indeed, this activity is a unique occasion to share, to learn and to upgrade our knowledge on the workers' rights at work. Your participation is a concrete proof that tripartism and social dialogue work to produce concrete results. Given the strong resolve of the tripartite partners to keep the momentum going, we expect the Philippines to progress towards full compliance with ILO Convention No. 87, in law and practice, in the next three to four years.

THANK YOU AND MAGANDANG UMAGA SA ATING LAHAT!

Intro to ILO and 2009 HLM Findings

Jajoon Coue
Specialist – ILS & Labour Law
DWT Bangkok

International Labour Organization (ILO)

- Specialised UN labour agency comprised of Governments, Employers and Workers from 183 countries
- Mandate to promote social justice in times of globalization through decent work as a matter of
 - respect for individual dignity
 - economic and social development
 - international peace and stability

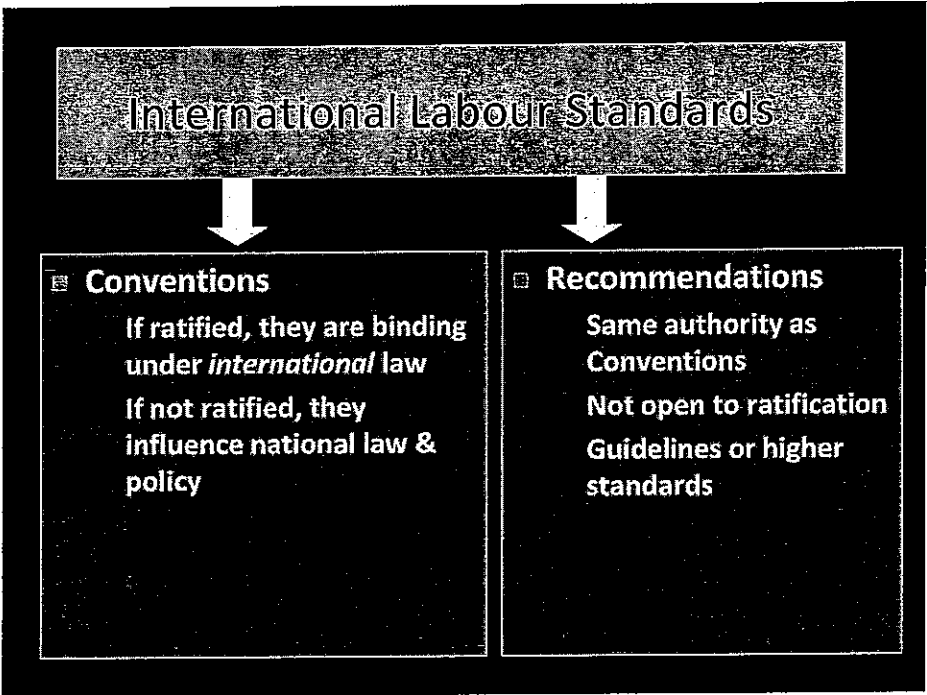
Decent Work Pillars

- ❑ To promote and realize fundamental principles and rights at work
- ❑ To create greater opportunities for women and men to secure decent employment and income
- ❑ To enhance the coverage and effectiveness of social protection for all
- ❑ To strengthen tripartism & social dialogue

Means of Action

- ❑ Setting and supervising the application of International Labour Standards
- ❑ Knowledge
 - ❑ Research, analysis and publications
 - ❑ Platform for information sharing
- ❑ Services
 - ❑ Direct technical expert advisory services
 - ❑ Education and training
 - ❑ Projects

International Labour Standards



■ Conventions

If ratified, they are binding
under *international law*

If not ratified, they
influence national law &
policy

■ Recommendations

Same authority as
Conventions

Not open to ratification
Guidelines or higher
standards

International Labour Standards

- Since 1919, 188 Conventions & 200 Recommendations adopted
- 76 C (+ 5 Protocols) & 76 R are up-to-date
 - the other Conventions & Recommendations are up for revision, abrogation, review ... over time

- ❑ 8 are up-to-date fundamental C., setting standards on 4 principles at work fundamental to globalization (Declaration on Fund Principles & Rights at Work, 1998)
 - ❑ freedom of association and collective bargaining
 - ❑ elimination of forced labour
 - ❑ abolition of child labour
 - ❑ elimination of discrimination at work
- ❑ universal ratification of all 8 Conventions expected by 2015

HLM 2009

- ❑ First called for by CFA and ILC Committee on Application of Standards in 2007 in response to allegations of serious violations, esp. acts of violence
- ❑ Outstanding comments of CEACR
- ❑ CFA cases – 4 active, 6 followup cases
- ❑ Mandate: obtain greater clarity on FoA situation and provide detailed information to the ILO supervisory bodies (CEACR and CFA)
- ❑ Identify areas for support and technical assistance

Meetings

- Briefing with wide array of senior government officials (DOLE, DILG, DoJ, Foreign Affairs, PHRC, AFP and PNP)
- Separate meetings (Congress, Supreme Court and Court of Appeals, PEZA, CHRP, TESDA, NLRC, DND, PNP, CSC)
- Representatives of social partners (TUCP, ECOP, FFW, APL, KMU)

Findings (1)

- Violence: difference of opinion as to extent of violence and its relationship to trade unionism
 - Govt: of 66 cases of murder, harassment and disappearance alleged, only 13 labour-related
- Obstacles to effective disposition of instances of violence include
 - Case overload
 - Heavy reliance of established procedures on testimonial evidence
 - Lack of witnesses

- ❑ Measures enacted to address impunity
 - ❑ Empowering NTIPC to prioritise investigation and resolution of cases captured in CFA cases
 - ❑ Designation of 99 regional courts as specialised tribunals to resolve cases involving EJKs
 - ❑ Expansion of CHRP powers, including in area of witness protection

- ❑ HLM: measures still largely insufficient
 - ❑ Each case needed to be thoroughly investigated, even in absence of formal filing of charges. Witnesses needed to be protected for investigations not to be hampered by lack of testimony.
 - ❑ Relevant state institutions for combating impunity needed to be strengthened
 - ❑ Augmentation of CHRP powers needed to be supported
 - ❑ Proposed comprehensive program on HR, TU rights and civil liberties for forces of order

Findings (2)

Obstacles to the full exercise of FoA rights

- In law
 - Section 263(g) – Assumption of jurisdiction over strikes
 - 20% threshold requirement for establishing Tus*
 - Penal sanctions for illegal strikes
- In practice
 - Absence of TUs and CB in EPZs
 - Lengthy and complex legal proceedings in context of certification elections and anti-union dismissal cases

Way forward

- Monitor and continue dialogue on basis of HLM findings and recommendations
 - PEZA Guidelines
 - TIPC monitoring of cases
 - Dispute resolution reforms announced by DOLE
 - Continued trainings
- Comprehensive TC programme on F of A and civil liberties?

Thank you

RESPECT FOR CIVIL LIBERTIES – RIGHTS & RESPONSIBILITIES - LABOUR LAW CONTEXT

VISAYAS WORKSHOP
MARCH 2011

The Honourable Professor Robyn Layton QC

Overview of basic civil liberties in a labour context

2

- Importance of civil liberties
 - ▣ Achieve social justice
 - ▣ Sustainable industrial harmony
 - ▣ Denial and infringement leads to discontent, anger, production inefficiencies
 - ▣ Enables improvement of productivity
 - ▣ Union-free does not mean problem-free

Major sources of civil liberties

3

- Universal Declaration of Human Rights (UDHR)
 - FoA (art 20) and FoE (arts 18 and 19)
- International Covenant on Civil and Political Rights (ICCPR)
 - FoA (arts 21 and 22) and FoE (art 19)
- International Covenant on Economic, Social and Cultural Rights (ICESCR)
 - FoA and right to strike (art 8)
- Constitution ILO (Preamble and art 1) and annexed Declaration of Philadelphia (art 1)
- ILO Conventions

ILO conventions and basic human rights

4

- Membership of ILO
- ILO 8 core human rights conventions
 - Freedom of Association (C87) and Collective Bargaining (C98)
 - Forced Labour (C29) and (C105)
 - Elimination of Child Labour (C138) and (C182)
 - Discrimination (C111)
 - Equal Remuneration (C100)
- Special status of ILO Conventions 87 and 98

7 Basic Human Rights of FoA

5

The right to:

1. establish and join an organisation without discrimination
2. life and personal safety
3. freedom and security from arbitrary arrest and detention
4. freedom of opinion and expression
5. freedom of assembly
6. a fair trial by an independent and impartial tribunal
7. protection of the property

The rights are universal, inalienable but not absolute

The Government has the ultimate responsibility for guaranteeing and ensuring rights

The right to establish and join an organisation without discrimination

6

RIGHTS

- ☐ All citizens have human rights to FoA which includes the right to establish and join an organisation.
- ☐ "without distinction whatsoever" means without distinction or discrimination of any kind as to occupation, sex, colour, race, creed, **nationality or political opinion**.
- ☐ "**nationality**", means rights apply to all workers regardless of **ethnicity or country of origin**.
- ☐ "**political opinion**", means that rights apply to persons who are members of a political party which may oppose the governing party. Members of a political party do not lose their right to join or establish or be active in an organization.
- ☐ Simply because certain members of a political party are members of a union, neither the union itself nor its members should automatically be treated as though it was a cell or unit of that political party.

The right to establish and join an organisation without discrimination

7

QUALIFICATIONS

- Exceptions to FoA are armed forces and police (IESCR art 8 and C 87 ILO)
- Setting up an organisation must not simply be a guise for attaining illegal or criminal purposes

RESPONSIBILITIES

- The ultimate responsibility for protecting human rights lies with the Government.
- The Government includes all arms of government and instrumentalities, including the legislative, executive and judicial arms. It also includes the police and army and contractors.
- The Government is also responsible and accountable for the actions of citizens in its territory and to ensure that they do not infringe the human rights of fellow citizens or residents.

The right to life and personal safety

8

RIGHTS

- A primary and fundamental entitlement of every person
- Crucial to the effective exercise of all other rights and freedoms
- Holds special significance in labour law
- Especially important because of the impact which infringement has on industrial peace and security, the economy as well as general peace and security of the nation.
- Trade unionists when involved in pursuing trade union activities have a right to have their activities protected and not impeded by threats of violence or actual violence by government instrumentalities.
- Trade unionists also have the right to receive protection of Government from the threats of violence or actual violence from persons or bodies opposed to their union activities.
- The rights extend to non-unionists when exercising their rights not to join a union and eg choose to work when unionists are on strike.

The right to freedom and security from arbitrary arrest and detention

17

□ QUALIFICATION

- ❑ The right is not absolute.
- ❑ The right is not guaranteed if unionists are breaching criminal law or if their actions involve serious breaches of public order or security.

□ RESPONSIBILITIES

- ❑ Arrest and detention should not be a first line of action in the context of industrial action
- ❑ Balance is required and there is not always a "bright line" between what is industrial action and political action.
- ❑ Protocols and guidelines should be developed and promulgated so that there is transparency about when the police and or military should become involved in matters related to industrial action.

The right to freedom of opinion and expression

12

□ RIGHTS

- ❑ Every person has a right to have personal opinions and to freely and publicly express them.
- ❑ Freedom of expression includes the right to read, receive or promote, or publish information either orally or written
- ❑ Includes the right to criticise governments and their policies
- ❑ Special significance in an labour context. Trade unionists and organisations have the right to criticise government policies on economic and social policies which affect the rights of workers and to overtly express their views.

□ QUALIFICATION

- ❑ Freedom of expression is not protected if it is defamatory, discriminatory or contrary to law or is likely to give rise to serious breaches of public order or security
- ❑ The right is a matter of balance so that its exercise does not interfere with the rights of other persons who hold contrary views

The right to freedom of opinion and expression

13

□ RESPONSIBILITIES

- The ultimate responsibility for protection lies with the Government.
- The Government is required to ensure that it does not restrict or limit this freedom by inappropriate surveillance of trade union activities or by banning publications or harassing and intimidating unionists and their families
- The Government is required to take all reasonably available measures to prevent infringement of the right by others who may hold different views.
- The measures to be taken depends on the level and nature of infringements
- The Government is required to ensure that perpetrators of infringements are appropriately dealt with at law.
- Unionists should refrain from using extravagant and inflammatory language when expressing their views

The right to freedom of assembly

14

□ RIGHTS

- The right to freedom of assembly and right to demonstrate are linked to the right of freedom of expression
- The right may take many forms including private and public meetings, public demonstrations, sit-ins, strikes, and picketing

□ QUALIFICATIONS

- Must not be illegal or give rise to serious breaches of public order or security

□ RESPONSIBILITIES

- The ultimate responsibility is on Government to protect the right in law and practice
- The responsibility of ensuring balance between conflicting rights ultimately resides with Government
- The Government is required to take appropriate steps to educate and train its own instrumentalities to ensure that the freedom is not restricted
- Use of forces of order should be in proportion to the danger to law and order

The right to a fair trial by an independent and impartial tribunal

15

□ RIGHTS

- Inherent in the right to a fair trial is the right to due process
- All detainees should be brought to trial without delay and the case should be heard and determined expeditiously
- Due process includes the right to know the case against them, to receive legal advice, the right to be heard and be represented at trial by a lawyer
- The court or tribunal is required to be independent and unbiased
- The court or tribunal should be appropriately trained and be aware of the basic human rights and the provisions of the relevant ILO conventions so that they are appropriately applied.
- There should be no interference by Government or any other person to the independence of the court or tribunal in its decision-making processes

The right to a fair trial by an independent and impartial tribunal

16

□ RESPONSIBILITIES

- The Government has the responsibility to ensure that courts and tribunals are sufficiently trained and resourced to perform their judicial duties
- The Government should at all times respect the independence of the judiciary and ensure that neither it nor any other person interferes with its judicial functions
- The Government should ensure that all appointees to the judiciary are independent of Government
- The judiciary also has a responsibility to ensure access to justice and to keep itself informed and that judicial processes are conducive to fair and timely decisions

Concluding comments human rights and FoA

17

- Engages the highest human rights
- Is a critical component of labour relations
- Although government is required to guarantee and ensure the basic rights, as a matter of practical achievement it requires tripartite engagement.
- Needs:
 - ▣ Well organised and responsible union activities
 - ▣ Fair industrial practices by employers
 - ▣ Effective government protection and systems to resolve conflict

Responsible employers

Effective unions

Effective mechanisms for dealing with conflict

Effective Government protection

21

Freedom of Association Principles (Convention Nos. 87 and 98)

Jajoon Coue
Specialist – ILS & Labour Law
DWT Bangkok

Right to organise

WORKERS without distinction whatsoever

- ▣ wage-earners & independent (self-employed) workers, i.e. anyone who pursues or is willing to pursue a living through work
- ▣ both citizens and (regular & irregular) migrant workers
- ▣ public servants, workers of state enterprises & public corporations
- ▣ agricultural workers
- ▣ workers in export processing zones / industrial estates
- ▣ atypical workers (temporary, fixed-term, casual, part-time, seasonal, informal economy)
- ▣ armed forces and police (Article 9)

Right to organise

- ❑ Right to establish and join organizations of their own choosing
 - ❑ by occupation, region, company, industry or sector
- ❑ And without previous authorization
 - ❑ Registration
 - is OK to ensure democratic functioning of trade unions or to prevent financial fraud
 - is not OK if the registration procedure is too long and complicated, or imposes unduly burdensome requirements (i.e. minimum membership requirements)

Rights covered

- ❑ Free to draw up constitutions and rules
 - e.g. no minute detail of election procedures
- ❑ To elect representatives in full freedom
 - e.g. no requirement to be employed in the occupation since a certain time
- ❑ Free to organize their administration
 - Free to organize their activities
 - e.g. including political activities
- ❑ Free to formulate their programmes

Dissolution

- Right of an organization not to be dissolved or suspended by administrative authority
 - ONLY if 1) has utterly ceased to fulfill its mission, or 2) is a cover for fraudulent activity operations
 - MUST result from the decision of an independent judicial authority; if it results from the decision of e.g. the Registrar, then the decision should not take effect before appeal procedures have been exhausted

Rights covered

- Solidarity - Right to establish or join federations or confederations of organizations under the same guarantees as for establishing first-level organizations, including
 - Right to receive assistance (incl. international)
 - Right to maintain contact and exchange trade union publications
 - Sending and receiving representatives

Collective bargaining

- All workers
 - armed forces and police
 - administration of the State
 - but including e.g.
 - teachers
 - state enterprise employees
 - security staff for private companies
 - civilian employees in defense industry
 - workers in essential services

Collective bargaining

- States must promote voluntary collective bargaining to regulate terms and conditions of employment by means of collective agreements and
- Ensure that employers' and workers' organizations enjoy conditions that allow the organizations concerned to negotiate in the widest sense among themselves with a view to regulating conditions of employment

Autonomy of parties to CB

- ▣ Minimum possible level of interference by the authorities. Laws/regulations should ensure as much latitude as possible with respect to:
 - ▣ Subjects covered by CB (not only traditional working conditions, but also i.e. management of retrenchment)
 - ▣ Level of collective bargaining
- ▣ Interventions annulling or modifying contents of agreements fully entered into are contrary to principle of CB

Promotion of voluntary CB

- ▣ bodies and procedures for the settlement of labour disputes should be so conceived as to contribute to the promotion of collective bargaining (C. 154)
 - ▣ Mediation and conciliation machinery
 - ▣ Joint facilitating bodies at enterprise level
 - ▣ Guidelines and rules of procedure for CB

Compulsory arbitration

- In view of fact that voluntary nature of negotiations is a fundamental aspect of CB, imposition of compulsory arbitration is generally contrary to the principle
- May be resorted to only in/for the following
 - Essential services
 - where, after prolonged and fruitless negotiations, it is clear that the deadlock will not be overcome without an initiative by the authorities
 - Employees engaged in administration of state
 - Acute national emergency

Anti-union discrimination

- Workers must be adequately protected against acts of anti-union discrimination, e.g.
 - employers refusing to employ workers by reason of trade union membership
 - dismissal for trade union membership or participation in trade union activities
 - transfers, denial of promotion, downgrading, compulsory retirement, blacklisting, restrictions on wages/benefits for participation in legal strike

Protection against interference

- ❑ State must protect employers' and workers' organizations against acts of interference from each other, for example
 - ❑ protection from financial control
 - ❑ establishing a particular union as a counterweight to
 - ❑ arbitrarily favouring one union over another for collective bargaining purposes

3. Protective machinery

- ❑ Objective need for rapid and effective machinery to ensure application in practice
- ❑ Means impartial, effective, rapid, inexpensive means to redress the grievances caused by anti-union discrimination
- ❑ can be preventive or compensatory
 - ❑ inquiries in trade unionists dismissals
 - ❑ financial and occupational compensation
 - ❑ reversal of burden of proof to the employer
 - ❑ penalties

Right to Strike

- ❑ Not explicitly mentioned in C. 87, but considered an intrinsic corollary to the right to organize
- ❑ Deemed a fundamental right insofar as it is utilised to defend economic interests; designed to enable workers to bring pressure to bear on employers

Right to strike

- ❑ All workers
 - ❑ armed forces and police
 - ❑ exercising authority in name of the State
 - ❑ workers in essential services
- ❑ Acute national emergency
 - ❑ All normal functioning of society has ceased
 - ❑ Only to extent that situation persists

Essential services

= services which, if interrupted, would endanger the life, personal safety / health of whole or part of the population

<i>Essential Service</i>	<i>NOT Essential Service</i>
□ Telephone services □ Air traffic controllers □ Hospital workers □ Public utilities (water, gas, electricity)	□ <i>Petroleum refinery</i> □ <i>Banking</i> □ <i>Transport</i> □ <i>Radio and television broadcasting</i>

Restrictions

- Legal procedural restrictions are acceptable, if they do not place a substantial limitation on the right to strike
 - obligation of prior notice to employer = OK
 - prior exhaustion of voluntary mediation and arbitration = OK, if not too long
 - obligation of secret ballot to validate strike decision = OK

C. 87 rights (art. 8)

- ▣ Trade union activities must be undertaken with respect for the law of the land
- ▣ Law of the land must not impair the Convention's guarantees

- ▣ Trade unions must conform to the general provisions applicable to all public meetings and must respect the reasonable limits which may be fixed by the authorities to avoid disturbances in public places
- ▣ Permission to hold public meetings and demonstrations should not be arbitrarily refused
- ▣ Time restriction imposed by law on right to demonstrate is not justified and may render that right inoperative in practice

Civil Liberties

- 1970 Resolution : absence of civil liberties renders trade union rights meaningless
 - Right to security of person and freedom from arbitrary arrest
 - Freedom of opinion and expression
 - Freedom of assembly
 - Right to a fair trial by impartial judiciary
 - Right to protection of property of trade union organizations

Political Activities

- 1952 Resolution : protection of freedom and independence of TU movement
 - Fundamental mission of TU movement is social and economic advancement of workers
 - TU movement may seek to establish relations with political parties and undertake constitutional political action as a means of furthering its basic mission
 - Such activities must not compromise independence of TU movement or its mission
 - Governments must refrain from attempting to transform TU movement into instrument of political aims AND interfering in normal TU activities due to its political activities

Thank you

ILO SUPERVISORY BODIES AND THE IMPLEMENTATION OF FOA PRINCIPLES

VISAYAS WORKSHOP
MARCH 2011

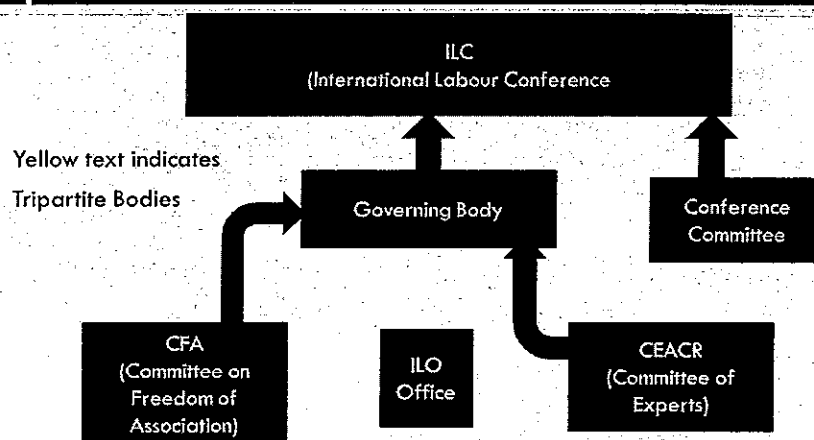
The Honourable Professor Robyn Layton QC

Overview of presentation

2

- Provide information about the structure and role of the supervisory bodies of the ILO
- The importance of the work of the supervisory bodies in the implementation of FoA principles.

Supervisory mechanisms of the ILO



The supervisory bodies

4

- ☐ **Committee of Experts on the Application of Conventions and Recommendations (CEACR)**
- ☐ Conference Committee on the Application of Conventions and Recommendations
- ☐ **Committee on Freedom of Association (CFA)**
- ☐ Commissions of Inquiry
- ☐ Ad hoc bodies

Special procedures

5

- ❑ **Complaints or Representations** alleging violation of freedom of association principles
 - ❑ **Complaints** may be made by member states or by worker or employer delegates to the ILO Office (article 26 ILO Constitution) which will be passed to the CFA
 - ❑ **Representations** may be made by workers or employer organisations to Governing Body (article 24 ILO Constitution) which may be referred to CFA

Committee of Experts

6

- ❑ Up to 20 members
- ❑ Composition appointed by Governing Body on the nomination from the Director-General of ILO Office
- ❑ Requirement to be independent, objective and impartial
- ❑ Quasi-judicial function and take a consensus approach
- ❑ The role is to analyse and evaluate compliance by countries with Conventions
- ❑ No complaint mechanism is required
- ❑ Information sources primarily country reports provided under articles 19, 22 and 35 but also reference to ILO reports and other reports from international bodies.
- ❑ Meet for 3 weeks each year

Work of the CEACR

7

- Each year provide two major reports with annexures
 - Annual Report
 - General survey

Annual Report CEACR

8

- Annual Report
 - General report comprising two parts
 - **Part I** is an overview of the work of the Committee
 - **Part II** comprises the assessment made by the Committee on each country by each convention
 - Committee makes **observations, direct requests** and provides **footnotes** which identify concerning features of the country which require further attention by other ILO mechanisms

General Survey CEACR

9

- General Survey
 - Provides an in-depth analysis of the practice of each country under particular named Conventions
 - Information is derived from special requests made under article 19 for country information
 - Best source of information for interpretation and application of ILO Conventions.
 - General Survey - "Freedom of Association and Collective Bargaining"

Committee on Freedom of Association

10

- An organ of the Governing Body
- Tripartite with representatives of employers and workers
- 9 members and an independent chair
- Meets three times each year
- Examines complaints submitted by Governments, or employers or workers' organisations
- Complaints can be made and examined even if the country has not ratified the Convention 87 or 98
- Sources of information primarily documentary, submissions by parties as well as direct contact missions

Work of CFA

11

- Publishes decisions on cases which are numbered consecutively , more that 2,500
- Can be found on the ILO Website
- A Digest of Principles derived from cases is published regularly with references to the number of the cases.

Why and how work can be used

12

- They deal with most aspects of ILO instruments
- The analysis and decisions made by both bodies is highly respected
- Not definitive interpretation (article 37.2 of ILO Constitution)
- Until ICJ pronounces their views to the contrary, their interpretation may be considered valid
- Principle of good faith in applying treaties requires their views to be taken into consideration

**REGIONAL SITUATION AND RESPONSES
ADDRESSING IMPUNITY AND VIOLENCE
AGAINST TRADE UNIONS
DOLE-REGION 7**

**EMPLOYMENT SITUATIONER:
Region - 7**

% Share of Reg. -7

LABOR FORCE	3,039	7.8
EMPLOYMENT	2,809	7.8
UNEMPLOYMENT	231	8.1
UNDEREMPLOYMENT	461	6.8
EMPLOYMENT RATE	92.4%	
UNEMPLOYMENT RATE	7.6%	

UNION SITUATIONER:

UNIONS REGISTERED	967
INDEPENDENT	295
CHARTERS/LOCALS	622
INDEPENDENTLY REGISTERED BUT AFFILIATED	50

UNION SITUATIONER:

WORKERS COVERED	18,886
MALE	15,048
FEMALE	3,838

ISSUES

A. Adverse Stance of Management Against the Union

Election conducted

Union win

One of the actions taken

Closure

❖ **timing**

❖ **Reason**

(AKBR)

- ✓ **NCMB conducted con-med**
 - ✓ **The three (3) cases involving the parties filed in 2009 & 2010 however settled**
 - ✓ **Election was conducted**
 - ✓ **Union Prevailed**
 - ✓ **Management Decided to Close despite conciliation**
 - ✓ **Reason: Pay separation rather than have a union specially that there is 3rd Party Intervention.**
- (AMI)**



Workers were Misled

- ✓ **If workers are unionized, Management cannot close the Company because Union has to take over the Operation**
- ✓ **Even during CE, and due to an unconfirmed report that management will proceed to closing the company they prepared for a strike and stayed inside the premises throughout proceedings despite orders election officer to clear the area.**

(AMI)



- ✓ **End Result** they got terminated and given separation pay despite intervention of Manila that the officers made to report back. Thus **CLOSURE** became an inevitable option.



B. Deviating from Union Issues to Other Issues not Raised in the Complaint after Termination

- ✓ Upon seeking voluntary recognition, reply of management, several members were removed
- ✓ Case for ULP was filed before NLRC-RAB by union sympathizers, officers and organizers
- ✓ Upon registration 8 members were outrightly dismissed by non-renewal of contracts on the pretext that they were probationary and failed to company standards
- ✓ Instead of resolving the issue of ULP, the case was decided on the basis of the alleged incompetence of teachers which never had any bearing in the complaint
- ✓ Main issue of ULP was left unresolved (CISFA-IU)



C. Providing special treatment to other workers so as not to join, (as Alleged by the Union).

Night before election, most of the members of the bargaining unit (as alleged by the Union) were treated to an overnight beach party – Mgt countered that the activity was already part of their plan long before there was a CE filed.

- ✓ CE was conducted
- ✓ In the midst of CE, petitioner (through the Federation) together with some union members walked out of the proceedings and wanted the election to be stopped
- ✓ unless there is TRO, EO cannot stop.
- ✓ CE proceeded, Union lost.

(M925C)

D. Mixed membership (supervisors and rank-and-file) - DT

- ✓ Mgt. moved for suspension of the CE pending resolution of Petition for Cancellation of the Union
- ✓ Petition for CE sent to BLR for Decision
- ✓ Per BLR ruling, remedy is purging of membership and not cancellation of registration
- ✓ Since purging is still to be done, case was remanded to the region for immediate CE
- ✓ Thus, CE was conducted
- ✓ Since purging is still to be done, Mgt. challenged all submitted list by the Union
- ✓ Result forwarded to Med-Arb to continue the canvass
- ✓ After opening, Union prevailed
- ✓ (SPC)

E. Alleged closure of company without any proof, however, proceeded in changing its company name.

- ✓ There is an **ORDER** to conduct CE, but
 - ☐ Posting of Notice of CE was denied
 - ☐ EO was not allowed entry – company closed and bought by somebody else
 - ☐ CE proceeded, however held outside of company premises
 - ☐ Votes casted were those of workers whose case were still pending at NLRC
 - ☐ While workers allegedly won based on the list there was no more company to bargain with (CMC)

F. Declaration of company holiday on the day of election (in two CEs)

1st Occasion = warm hospitality

- ✓ management reception
- ✓ snack
- ✓ paraphernalias presented to prove readiness for election
- ✓ documentation like picture taking
- ✓ entertained inside reception area
- ✓ no transport available

2nd Occasion = a bit hostile and adverse

- ✓ election officers were not allowed to disembark at company premises
- ✓ one-by-one frisking and rigid screening of all election officers (body check, presentation of ID, validating names with list submitted, etc.)
- ✓ no informal and casual dialogue
- ✓ no signs of hospitality from management
- ✓ not invited in any office premises
- ✓ no transport available



Management Contention:

- ✓ holiday was intended for workers to participate in the CE
- ✓ those who wanted were denied entry because its holiday. Besides they were paid



G. Non reconciliation of list of eligible voters submitted by 2 contending unions

- ✓ Either party asserted to use their own list as basis for voting
- ✓ As proposed by DOLE, use both list, neither of the parties agreed
- ✓ Issue was left unresolved
- ✓ Parties were made to manifest their respective allegations and counter-allegations (from 8:00 am – 3:00 pm)
- ✓ Negotiation between Mgt., Union, Regional Director and Sec of Labor through phone
- ✓ Though getting late union insisted to proceed with the CE, hence EOs were not allowed to leave even beyond 5:00 pm
- ✓ Gate was closed, barricade was set-up, EOs were detained inside the van
- ✓ Police intervention freed the EOs

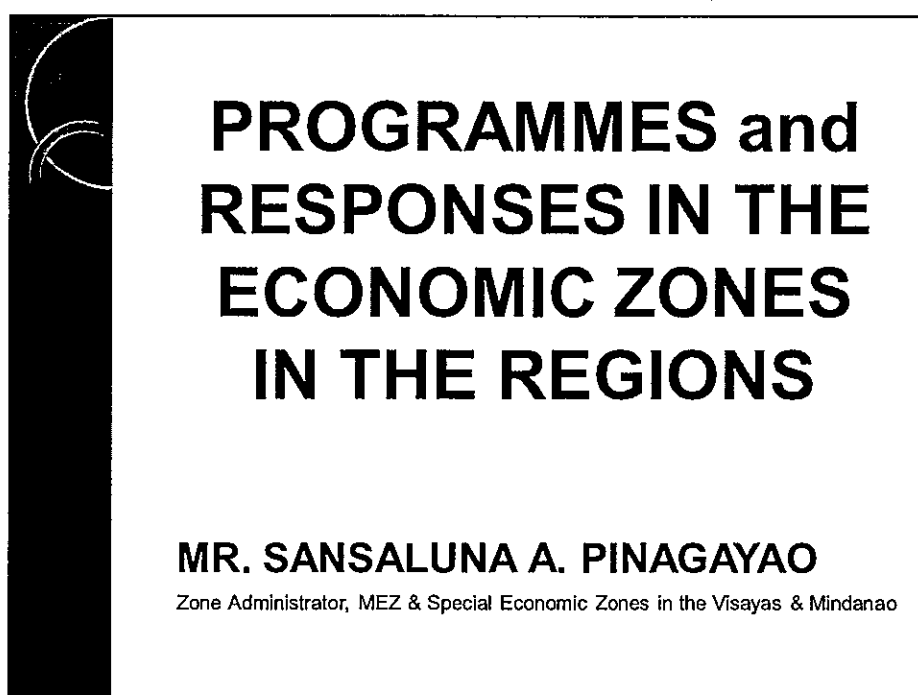
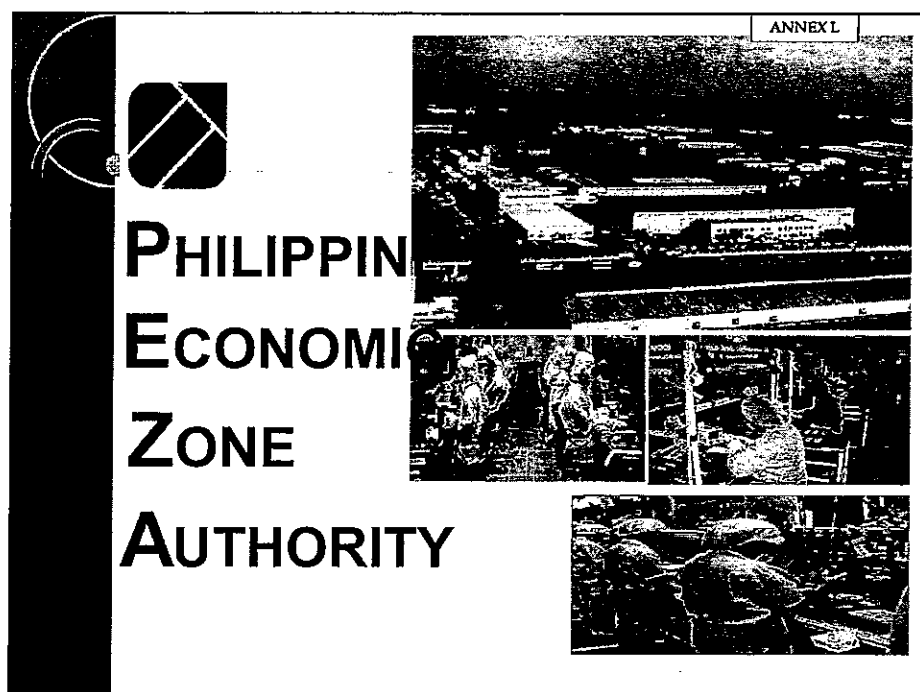

CENTRAL VISAYAS

H. Stop CE at the instance of Petitioner due to lack of interest

- ✓ Union represented by Atty-in-fact filed petition for CE.
- ✓ Petition was granted
- ✓ 1st Pre-EC petitioner attended and date was agreed left unresolved was the inclusion exclusion
- ✓ 2nd Pre-EC petitioner failed to attend instead through phone promised to submit PP
- ✓ Simultaneous with Pre-CE management filed cancellation of union certificate of registration
- ✓ on the other hand, PP not submitted
- ✓ CE proceeded
- ✓ During CE Atty-in-fact send a letter thru fax directing EO to stop the CE due to LACK OF INTEREST.

(RRI)


CENTRAL VISAYAS



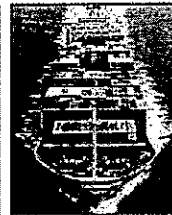
The Special Economic Zone Act of 1995

Reinforce government's efforts on:

Investment Promotion

Employment Creation

Export Generation



PEZA ECOZONES

64	Manufacturing or Industrial Estates
148	IT Parks (31) and IT Centers (100)
12	Tourism Ecozones
2	Medical Tourism Park (1) Medical Tourism Center (1)
13	Agro- Industrial Ecozones



ECOZONES IN REGION VII

- AD Gothong IT Center, Mandaue City (1)
- Arcenas Estate IT Building, Cebu City (1)
- Asiatown IT Park, Cebu City (55)
- Bigfoot IT Park, Lapulapu City (1)
- Creativo IT Center, Cebu City (1)
- Cebu IT Tower, Cebu City (1)
- DBP IT Plaza, Dumaguete City (1)
- DG3 IT Center, Cebu City (1)
- Eros Building, Dumaguete City (1)
- Federated IT Park, Bacong Negros Oriental (1)
- HDMF-WTCI IT Center, Cebu City (1)
- HVG Arcade IT Park, Mandaue City (1)



ECOZONES IN REGION VII

- Innove IT Plaza, Cebu City (1)
- JY Square IT Center, Cebu City (6)
- JY Square IT Center III, Cebu City (1)
- Lexmark Plaza, Cebu City (1)
- Mango Square IT Center, Cebu City (4)
- Oakridge IT Center, Mandaue City (1)
- Pioneer House Cebu, Cebu City (1)
- Robinson's Cybergate IT Center, Cebu City (1)
- Synergis IT Center, Cebu City (2)



ECOZONES IN REGION VIII

- Leyte Industrial Development Estate-SEZ, Isabel, Leyte (2)
- New Jubilee Agro-Industrial Economic Zone, Baybay, Leyte (1)
- Samar Agro-Industrial Ecozone, Calbayog City, Samar (1)
- Leyte Information Communication Technology Park, Palo, Leyte (2)



INDUSTRIAL RELATIONS PROGRAMS IN THE ECONOMIC ZONES

Monitoring of labor laws compliance in the economic zones

- labor standards
- labor relations
- occupational safety
- employees' welfare
- employment placement facilitation



INDUSTRIAL RELATIONS PROGRAMS IN THE ECONOMIC ZONES

**Constant coordination with DOLE and
its affiliate agencies concerning
issues in the zones**

- DOLE-PEZA MOA
- DOLE-PEZA-VERITE MOA



INDUSTRIAL RELATIONS PROGRAMS IN THE ECONOMIC ZONES

**Continuing worker and management
education on current labor laws and
best practices**

- Workers' Education on Workers' Rights
- CEO Forum on Labor Issues
- DOLE/ILO sponsored trainings for PEZA officers



INDUSTRIAL RELATIONS PROGRAMS IN THE ECONOMIC ZONES

**Conduct of conciliation/mediation on
issues between workers and
management at the zone level**

- Workers' Assistance



Thank you.

Follow-up Actions to the HLM:

TIPC-Monitoring Body

Specific Cases Before the ILO

- 1 ILO Case No. 1914
- 2 ILO Case No. 2488
- 3 ILO Case No. 2546
- 4 ILO Case No. 2528
- 5 ILO Case No. 2252
- 6 ILO Case No. 2652
- 7 ILO Case No. 2669
- 8 ILO Case No. 2716
- 9 ILO Case No. 2745
- 10 ILO Case No. 2815

Quickly

Region 7 Stats as of Dec. 15, 2010

Total No. of Unions	-	967
Membership	-	18,886
Unions with CBA	-	113
Unions without CBA	-	43

Verite-initiative Multi-stakeholders on FoA Compliance
Promotion of Tripartism & Social Dialogue

8 Tripartite Industrial Peace Councils
3 Industry Tripartite Councils with Voluntary Code of Good Practices, which benchmark best practices in the Industry (BPO, Education and Tourism)

Labor-management Education Programs

PH Commitments

- PH will ensure expeditious investigation, prosecution, and resolution of pending cases concerning alleged harassment and assassination of labor leaders and trade union activists.
- PH will create a high-level tripartite monitoring committee within the ambit of the National Tripartite Industrial Peace Council (NTIPC), chaired by the Secretary of Labor and Employment, with clear terms of reference as to its mandate and whose membership shall come from federations and national unions regardless of affiliations.

PH Commitments

- PH will work closely with the ILO, its social partners from labor and employers sectors, and other stakeholders, to establish a Technical Cooperation Program (TCP) that will raise the awareness and strengthen the capacity of all relevant government institutions including the social partners in the promotion and protection of labor rights.
- PH is working on the proposed legislative reforms to further strengthen trade unionism and remove obstacles to the effective exercise of labor rights.

DOLE-Bureau of Labor Relations, 30 March 2011

PH Commitments

PH will ensure expeditious investigation, prosecution, and resolution of pending cases concerning alleged harassment and assassination of labor leaders and trade union activists.

Evaluated and built a comprehensive inventory of the cases with identified future actions required in each case to ensure the investigation, prosecution and conviction -

Creation of Special Task Force (STF on ELKs & EDs) in the Department of Justice and Creation of a National Monitoring Mechanism (NMM) -

Strengthen the operational capability of the PNP and AFP to foster an enabling environment for the enjoyment of constitutionally guaranteed civil liberties and trade union rights -

DOLE-Bureau of Labor Relations, 30 March 2011

PH Commitments

the PH will create a high-level tripartite monitoring committee within the ambit of the National Tripartite Industrial Peace Council (NTIPC), chaired by the Secretary of Labor and Employment, with clear terms of reference as to its mandate and whose membership shall come from federations and national unions regardless of affiliations.

Creation of a high-level tripartite monitoring committee within the ambit of the NTIPC -

Reforms towards Improving PH Productive Labor Practices through Proactive Engagement of the Social Partners -

DOLE-Bureau of Labor Relations, 30 March 2011

PH Commitments

PH will work closely with the ILO, its social partners from labor and employers sectors, and other stakeholders, to establish a Technical Cooperation Program (TCP) that will raise the awareness and strengthen the capacity of all relevant government institutions including the social partners in the promotion and protection of labor rights.

The five to six years Technical Cooperation Program (TCP) with the ILO is currently searching for potential donors including the US Department of Labor.

Pending the implementation of the TCP, PH and the ILO has started the conduct of short term awareness program on the principles of Freedom of Association - the first was the three-day National Conference last December of 2009, in 2010, 6 FOA activities were conducted (7th is the Visayas round)

DOLE-Bureau of Labor Relations, 30 March 2011

PH Commitments

the PH is working on the proposed legislative reforms to further strengthen trade unionism and remove obstacles to the effective exercise of labor rights.

Proposed reforms in the Labor Code - 5 priority bills; constitution of a tripartite small group

Interim administrative measures – 3 Department Orders, 1 PSLMC Resolution

Updating of the Guidelines – Revised Joint PNP-PEZA-DOLE; Operational Rules of Procedure for DO40-G-03

Strengthening of relevant state institutions - CHR; WPP; Institutionalization of TIPC & ITCs

DOLE-Bureau of Labor Relations, 30 March 2011

TIPC – Monitoring Body

NTIPC Resolution No.1, s.2010, dated 20 Jan. 2010, constituted the TIPC as the High Level Tripartite Monitoring Body on the Application of International Labor Standards, in particular ILO Convention on Freedom of Association and Protection of the Right to Organize (No.87).

It shall –

1. Facilitate “out of the box solution” to long-standing CFA cases;
2. Monitor and report progress on active CFA cases; and
3. Facilitate gathering of relevant information on complaints submitted to the ILO and evaluate and recommend appropriate action/s

TIPC – Monitoring Body

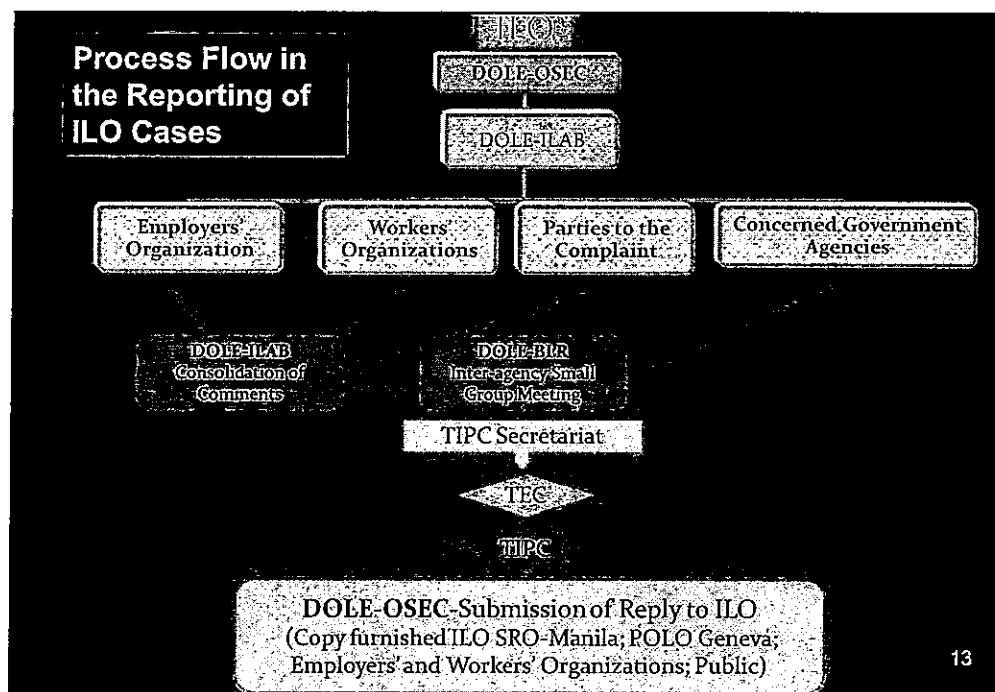
TIPC Composition = Same for TIPC-Monitoring Board under EO 49-98 (expanded the sectoral representations):

- ✓ 20 – workers (FFW, TUCP, APL, TUPAS, PDMP, NCL, AFW, KMU?, BMP? plus other invites)
- ✓ 20 – employers (ECOP members)
- ✓ Government

TIPC – Monitoring Body

It has Operational Guidelines on –

1. Docketing of ILO Cases/Complaints;
2. Case/Complaint Profiling;
3. Case Evaluation/Recommendation and Convening of the Body; and
4. Deliberation, Adoption and Submission of Tripartite Observation.



TIPC – Monitoring Body

TIPC-Monitoring Body has adopted Resolution No. 1, series of 2010, on 25 June 2010, using the ILO criteria of admissibility of cases/complaints, classifies ILO cases with allegation of extrajudicial killings, harassments and abductions into:

- ☐ possibly labor-related under ILO Convention 87 if the circumstances of the case constitute infringement of trade union rights, or
- ☐ possibly not labor-related under ILO Convention 87 if the circumstances of the case will not constitute infringement of trade union rights.

TIPC – Monitoring Body

The classifications were assigned to a committee composed of the representatives of the States for investigation, investigation and resolution. It is not for purposes of assigning the cases to a committee of representatives of the States for investigation.

TIPC – Monitoring Body

Works –

1. Comprehensive inventory of cases pending before the ILO supervisory machinery. Inventory was prompted by incidents of repeatedly raised cases/incidents.
2. ILO Case No.2528 – contains allegations of 39 cases/incidents of killings (47 victims killed, 3 wounded); 11 cases of abductions (30 victims); and 16 cases of harassments (105 victims), or a total of sixty-six (66) cases affecting Kilusang Mayo Uno leaders and/or members. The TIPC-Monitoring Body has adopted Resolution No. 1, series of 2010, on 25 June 2010.
3. "Out of the box"
4. Other cases – pending and new cases

TIPC – Monitoring Body

The Monitoring Body will be responsible for the day-to-day management of the TIPC and will be responsible for the day-to-day management of the TIPC and will be responsible for the day-to-day management of the TIPC.

**PRIMER ON THE
WITNESS PROTECTION, SECURITY AND BENEFIT
ACT (R.A. NO. 6981)**

**Q. WHAT IS THE WITNESS PROTECTION, SECURITY AND BENEFIT ACT
(R.A. No. 6981)**

A. The Witness Protection, Security and Benefit Act is a recent legislative enactment granting witness certain rights and benefits and defining their responsibilities, if admitted into the WPSB Program.

Q. WHO ARE COVERED UNDER THE ACT

- A. Any person who has witnessed or has knowledge of, or information on the commission of a crime and has testified or is testifying or about to testify before any judicial or quasi-judicial body, or before any investigating authority, may be admitted in the Program, provided that:
1. the offense in which his testimony will be used is a grave felony as defined under the Revised Penal Code or its equivalent special laws;
 2. his testimony can be substantially corroborated on its material points;
 3. he or any member of his family within the second civil degree of consanguinity or affinity is subjected to threats to his life or bodily injury or there is a like hood that he will be killed, forced, intimidated, harassed, or corrupted to prevent him from testifying or to testify falsely or evasively, because of an account of his testimony; and
 4. he is not a law enforcement officer, even if he would be testifying against other law enforcement officers. In such a case, only the immediate members of his family may avail themselves of the protection for under the Act.
- B. In case of legislative investigation in aid legislation, a Witness, with his express consent, upon the recommendation of the legislative committee where his testimony is needed when in its judgment there is pressing necessity therefore: Provided, That such recommendation is approved by the President of the Senate or the Speaker of the House of Representative, as the case may be.
- C. Any person who has participated in the commission of a crime and desires to be witness for the State, when ever the following circumstances are present:
1. the offense in which his testimony will be used is a grave felony as defined under the Revised Penal Code or its equivalent under special laws;
 2. there absolute necessity for his testimony;
 3. there is no other direct evidence available for the proper prosecution of the offense committed;
 4. his testimony can be substantially corroborated on its material points;
 5. he does not appear to be the most guilty; and

D. An accused discharged from an information or criminal complaint by the court in order that he may be a State Witness pursuant to the provisions of Section 9 & 10 of Rule 119 of the 1985 Rules on Criminal Procedures, as amended, and who is qualified under the Act. (section 1, Title III, Implementing Rules and Regulations).

Q. WHAT ARE THE RIGHTS AND BENEFITS OF A WITNESS COVERED UNDER THE PROGRAM

A. The witness shall have the rights and benefits:

- A. To have secure housing facility until he has testified or until the threat, intimidation or harassment disappear or is reduced to manageable or tolerable level. When the circumstances warrant, the Witness shall be entitled to the relocation and/or change of personal identity at the expense of the Program right may be extended to any member of the family of the Witness within the second civil degree of consanguinity or affinity.
- B. The Department shall, whenever practicable, assist the Witness in obtaining a means of livelihood. The Witness relocated pursuant to this Act shall be entitled to financial assistance from the program for his support and that of his family in such amount and for such duration as the Department shall determine.
- C. In no case shall the Witness be removed from or demoted in work because or on account of his absences due to his attendance before any judicial or quasi-judicial body or investigating authority, including legislative investigations in aid of legislation in going thereto and in coming, therefrom: Provided, that his employer is notified through a certification issued by the Department, within a period of thirty (30) days from the date when the witness last reported for work: Provided, further, that in the case of prolonged transfer or permanent relocation, the employer shall have the option to remove the Witness from employment after securing clearance from the Department, upon the recommendation of the Department of Labor and employment.

Any witness who failed to report for the work because of witness duty shall be paid his equivalent salaries or wages corresponding to the number of days of absence occasioned by the Program. For purposes of this Act, fraction of a day shall constitute a full day salary or wage. This provision shall be applicable to both government and private employees.

- D. To be provided with reasonable traveling expenses and subsistence allowance by the Program in such amount as the Department may determine for his attendance in the court, body or authority where his testimony is required, as well as conferences and interviews with prosecutors or investigating officers.
- E. To be provided with free medical treatment, hospitalization and medicines for any injury or illness incurred or suffered by him because of witness duty in any private or public hospital, clinic, or at any such institution at the expense of the Program.
- F. If a Witness is killed because of his participation in the Program, his heirs shall be entitled to a burial benefit not less than Ten Thousand (P10,000.00) from the Program exclusive of any other similar benefit he may entitled to

- G. In case of death or permanent incapacity his minor or dependent children shall be entitled to free education from primary to college level in any state, or private school, college or university as may be determined by the Department, as long as they shall have qualified thereto.

(Sec. 2, R.A. No. 6981; Sec. 1 Title V of the WPSB Implementing Rules and Regulations)

Q. WHICH GOVERNMENT AGENCY IS TASKED TO FORMULATE AND IMPLEMENT THE PROGRAM

- A. The Department of Justice through the Secretary of Justice is the implementing agency. The Secretary of Justice is assisted by a Committee, composed of the following:

Undersecretary for the National Prosecution Service (NPS) Chairman & Executive Officer, Chief State Prosecutor, Vice-Chairman & Assistant Chief State Prosecutor, Members.

Witness Protection Program
Department of Justice
Trece Martinez Street
Tacloban City
Tel. No. (053)321-4884



Republika ng Pilipinas
KACAWARAN NG KATARUNGAN
Department of Justice
**WITNESS PROTECTION SECURITY AND
BENEFIT PROGRAM**
Regional Office VIII
Trece Martirez St., Tacloban City

WPSBP APPLICATION REQUIREMENTS

1. Resolution
2. Information
3. Certificate of Materiality issued by the handling prosecutor
4. Sworn Statement conducted by the handling prosecutor
5. Affidavit narrating the existing threat to life & intimidation
6. Certificate of Marriage) if
7. Certificate of Live Birth of minor children) married
8. Certificate of Death
9. Extract copy from the Police Blotter
10. Autopsy Report
11. Medical Certificate
12. Community Tax Certificate
13. 2x2 I.D. picture (4pcs.)

Note: Four (4) copies each.

IDENTIFICATION OF ISSUES for discussion

VISAYAS WORKSHOP
MARCH 2011

The Hon. Professor Robyn Layton QC
Mr Jajoon Coue

TOPICS

- IMPUNITY AND INVESTIGATIONS
- INVOLVEMENT OF AFP AND PNP IN LABOUR DISPUTATION
- RELATIONSHIP BETWEEN IMPUNITY AND UNDERLYING CONCERNS ABOUT EMPLOYMENT ISSUES?
- WHAT ACTION CAN BE TAKEN

IMPUNITY AND INVESTIGATIONS

- how should investigations be **initiated** (is a complaint required ?)
- how **credible** must **allegations** be before investigation is triggered?
- **to whom ? by whom ?** should an investigation be conducted (CHR, Regional Prosecution, PNP, DOLE, PEZA – specify for each of the types of allegation)
- what are the initial experiences with the **expansion of the NTIPC's** mandate to monitor all cases of alleged anti-union violence etc ?
- **benefits and advantages** of the various investigating authorities ?

3

IMPUNITY AND INVESTIGATIONS

- who should **gather information** and how ?
- what level of **evidentiary satisfaction** is required before prosecution moves forward, and who makes that decision ?
- what are some of the **challenges** of obtaining evidence ?
- what are some of the challenges to obtain **speedy action and outcomes** ?
- are there **special concerns** where the alleged offenders are public authorities ?
- has sufficient use been made of “**writs of amparo**” or “**writs of habeas corpus**”?

4

INVOLVEMENT OF AFP AND PNP IN LABOUR DISPUTATION

- do they play a **preventative** role in labour dispute? If so, is it
 - self-initiated, or
 - requested by employers, or
 - requested by government, or
 - requested by workers (e.g. non-union members) ?
- do they play a role in **actual dispute**, e.g. at times of collective bargaining, picketing, lock-outs, strikes ?
If so, do they have access to workplace premises or only outside premises ?

5

INVOLVEMENT OF AFP AND PNP IN LABOUR DISPUTATION

- do the **PNP guidelines** or standard operating procedures define these roles Are there any challenges with the application of these guidelines or procedures ?
- are there guidelines to help the AFP and PNP determine whether their **intervention (or the extent of intervention)** is warranted by sufficiently serious offences in relation to criminal law or breaches of law and order ?

6

INVOLVEMENT OF OTHER ARMED GROUPS IN LABOUR DISPUTATION

- Are there other armed groups which are involved in labour disputation?
- If so, is it
 - self-initiated, or
 - requested by employers, or
 - requested by government, or
 - requested by workers (e.g. non-union members) ?
- What role do they play e.g. at times of collective bargaining, picketing, lock-outs, strikes?
- Do they have connections with groups or organizations not directly connected to employment relationships?

7

RELATIONSHIP BETWEEN IMPUNITY AND CONCERNS ABOUT EMPLOYMENT ISSUES?

- Do you think that the problem with impunity arises in part from **Underlying Concerns About Employment Issues** such as labour contractors, cooperative arrangements which have the effect of detracting from workers' rights to
 - fair wages,
 - security of tenure and
 - fair protection in employment
- Are there sufficient mechanisms to address these concerns through dialogue or enforcement ?

8

CASE 1:

1. Assuming that Happizonia has institutions similar to those of the Philippines, where can the union address its claim of intimidation?
 1. DOLE (SeNA; Through TIPC; NCMB to conciliate parties; NLRC to act on ULP)
 2. CHR (File a complaint and investigation will be conducted)
 3. FFL (Extrajudicial/judicial intervention through the assigned military commander in the area)
2. How would the trade union have to frame its claim to receive protection?
 - A threat to the very existence of the union
3. At each of the various authorities, what level of proof would the union need to bring for its claim to be receivable a prompt further investigation?
 - a. DOLE (SeNA-Request for Assistance)
 - b. PNP (Investigate upon the request of labor or union officials)
 - c. FFL (Request for assistance (verbal or written))
 - d. NLRC (Substantial evidence e.g. testimonies of witnesses)
 - e. NCMB (Request for assistance (verbal or written))
 - f. CHR (Request for investigation)
4. What sort of protection would the union ultimately receive?
 - a. An injunction of the employer to desist from further "invitations", except NCMB
5. Could the employer have the action declared an illegal strike, and subsequently fire the union leaders?
 - NO

CASE 2

1. Where does he go?
 - Police (To blotter the incident for investigation)
 - DOLE (SeNA)
2. What sort of investigation will such case trigger?
 - Criminal
 - Administrative
3. Burden of proof?

- Medical Certificate
 - Blotter Report with the copy of the Affidavit of 2 witnesses
4. Likely outcome?
- Claims paid

Facts/Problems:

1. Something wrong with the problem
2. Perception of the union as to the presence of renegade is a threat to the organization
3. Presence of military is a threat
4. Management invited the soldiers to protect the interest of the management
5. No clear definition of intimidation, threat, harassment (Assume that there is intimidation)
6. Agreement between military and management is not clear
7. Look at how the CBA was negotiated

Issues:

1. Presence of FFL

CASE 1

Question 1

Assuming that Happizonia similar to those of the Philippines, where can the trade union address its claim of intimidation?

Answer:

The group agreed that the appropriate agency to intervene is the DOLE. It was then discussed and agreed, that DOLE can make clarifications, investigations (or any other kind of measures of interference as may be defined within the offices' jurisdiction) through the DOLE mechanism called SENA. The SENA then will set a meeting with parties involved and National Government Agencies (NGAs) concerned, [PNP, LGUs, CHR and other appropriate and relevant agencies] to investigate and come up with measures to address the case of intimidation to the union in the Bango Banana Plantation.

Question 2

How would the trade union to frame its claim to receive protection?

Answer:

The group agreed that such act, as stated in the case, can be classified as *Threat to the existence of the union*.

Question 3

At each of the various authorities, what level of proof would the union need to bring for its claim to be receivable and prompt further investigation?

Answer:

The union can write to the DOLE requesting intervention to the alleged intimidation, and requesting to call the parties involved for a conference on the presence of military and to take immediate action on the same.

Question 4

What sort of protection would the union ultimately receive?

Answer

The Union can request an order from the court restricting/stopping a company from inviting the military within the premises of the company.

Question 5

Answer

It cannot be considered as illegal strike, since such act can be only an expression of their freedom of association.

CASE 2

Question 1

Where does he go?

Answer

First to the police to blotter the case; then to the employer to ask for reimbursement of medical expenses.

Question 2

What sort of investigation will such case trigger?

Answer

In the event the case triggers, he will proceed to the grievance machinery of the company.

Question 3

Burden of proof?

Answer

The burden of proof lies on the claimants.

Question 4

Likely outcome?

Answer

Employer will pay for the medical expenses incurred.

GROUP 3

Rapporteur: Ricky Vega (FFW)

CASE 1

QUESTION 1

- AFP – Send a letter appealing to AFP for it to pull out the deployment of AFP troops as it is not necessary for lack of subversive activities in the establishment.
- NCMB – Preparatory course: file for PM, as there is no clear threat of intimidation.
- NLRC – Anticipatory - File a case of ULP in NLRC. LA – order management to desist from inviting AFP troops.

QUESTION 2

* Interference in TU activities

QUESTION 3

- AFP - Just an appeal to AFP authority to pull out the deployment as it creates an atmosphere of fear among the union members
- NCMB –accomplish form for PM
- NLRC – file a complaint with Labor Arbiter for ULP; if proceeding is ongoing, submit substantial evidence.

QUESTION 4

- Injunction of the employer to desist from further investigations (from further enjoining AFP troops)
- Get assurance from AFP personnel.
- NCMB – commitment/agreement of parties to desist from continuing with deployment of AFP troops)
- NLRC – LA orders management to desist from inviting AFP troops as it interferes with the right of employees to exercise their right to self-organization

No temporary stoppage of work, so it is not a strike. It is covered by the freedom of expression protected under the Constitution.

CASE 2

1. Where does he go?

Go through the procedure.

- PNP – blotter incident before going to the Courts;
- Submit for medical examination. Secure medical certificate.
- Court – file civil case for damages with the Courts

2. What sort of investigation will such case trigger?

- Investigation to determine whether management initiated activities to curtail right to freedom of association

3. Burden of proof?

- Substantial evidence

4. Likely outcome?

- Settlement
- Payment of actual damages (loss of income and medical expenses; attorney's fees); moral damages; SSS disability; exemplary damages

Group 4

The Case of Bango Banana

Where the trade union could address
its claim of intimidation?

**Dialogue with Management
through the LMC to verify if
there are bases for their
feeling of intimidation**

How would the trade union have to
frame its claim to receive protection

**If there are no resolution
during the LMC, the trade
union could file for
interference in trade union
activities**

Level of proof

**All information
gathered during the
LMC meeting**

What sort of protection would the union ultimately receive?

If the issue is settled at the LMC, no more need for injunction. If not settled, an injunction of the employer to desist from further "invitations" to be issued by appropriate court

Illegal Strike?

NO

Case 2

Where to go?

Report first to Barangay then to PNP to blotter the case, then to the proper Court if needed.

What sort of investigation will such case trigger?

If settled in the Barangay mediation, the case is closed. If not proceed to police investigation

Burden of proof?

File prevention mediation with NCMB

Likely outcome?

Compromise settlement

Western Visayas Group

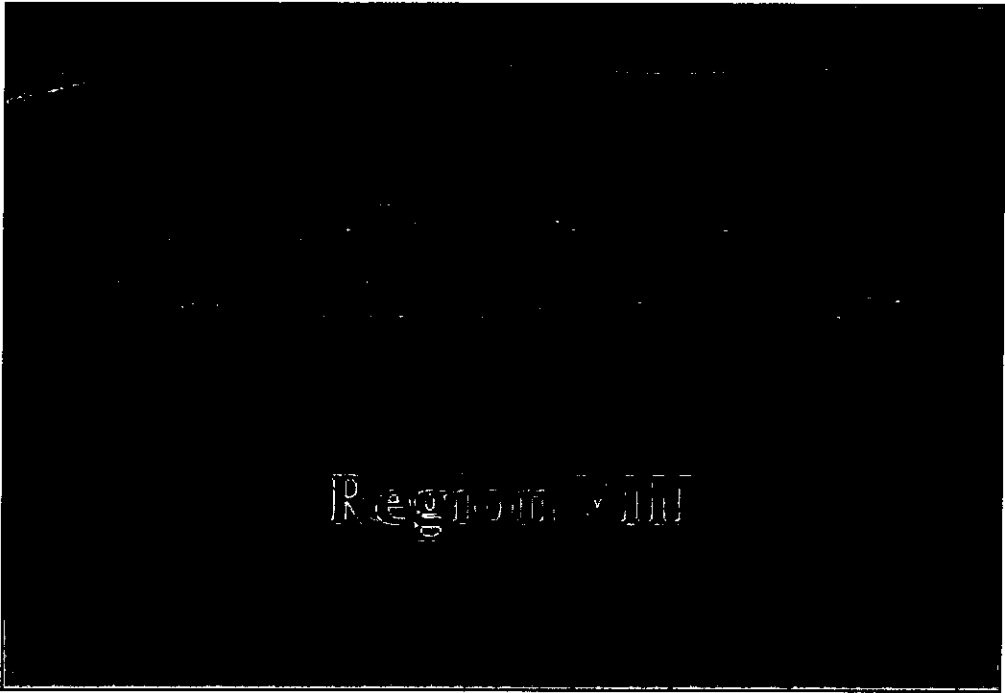
Issues	Solution or Strategy		Capacity Building Need
	Policies	Mechanism	
On Improvement			
1. Adversarial character of Labor Relations	a. Provision of awards & incentives	Improve voluntary modes of dispute settlement	1. Conduct of training for both labor & management on Human Relations
	b. Provision of principled Negotiation		2. Educate lawyers from the human dimensions of Human Relations
	c. Strengthening Labor Relations Program through IEC		3. Partnership workshop of both Mgt & Union for the improvement of operations

Issues	Policies	Mechanism	Capacity Building Need
On Improvement			
2. Lack of understanding on the issue of unionism by employers & employees	-Education of management on LR -Provision of incentives to management which are conducting trainings for their managerial employees	Issuances on the provision of incentives Inclusion of Basic LR in High School & Tertiary Curriculum	TOT for DOLE Trainers
3. Long litigation process involving FoAs/CBA	Review of the existing rules in the disposition of cases	Conduct a study on the causes of the delay of litigation despite the existence of the guidelines	Re-orientation of Hearing Officers

Issues	Policies	Mechanism	Capacity Building Need
4. Lack of clear delineation of roles among agencies concerned.	Improvement of existing MOA by and between DOLE & PNP relative to picketing & Strikes	Enhancement of existing MOA	Training of stakeholders
5. Infiltration of the ranks (labor) by armed insurgents	DOLE & DND to provide strong support on Labor Education of Unions	Continue the existing labor education	Conduct of awareness seminar/symposia on systematic infiltration by armed insurgents to labor unions

Group 2: Region 6 & 7

Issues and Constraints	Solutions or Strategies		
	Policies (Breakdown, Immediate and Long-term)	Mechanism (Breakdown, Immediate and Long-term)	Capacity Building Needs/ Training (Breakdown, Immediate and Long-term)
Rampant contractualization and outsourcing making union organizing difficult	Limit contractual to 20% of company's total workforce (Lobby for the passage of pending bills)		
Dismissal of workers due to union activities	Prior clearance from DOLE before workers could be dismissed		
NLRC reduction of appeal bond	Should not be less than 50% of the total monetary awards		
Manufacturing and export industries should not be included in the list of companies essential or indispensable to national interest	Amend existing policies		
Blacklisting of terminated workers due to union activities	Require Employers to issue Certificate of Employment to employees prior to the effectivity of company closure		



GOAL 1: Improvement of Application of Freedom of Association and Collective Bargaining (FACB) Rights			
ISSUES/CONCERN/VENTS	STRATEGIES AND ACTIONS	RESPONSIBLE AGENCIES	MONITORING AND EVALUATION
1. Lack of information and education of the right to self organization specifically in the workers in BPOs	Coordinate with DepEd and CHED Directors to draft a MOA institutionalizing Labor Education for Graduating Students (LEGS) to all schools and colleges in Region 8	Harmonize Labor education program to different DOLE agencies and other institutions	Enhanced Advocacy Seminar on Labor Education specifically on ILO Convention 87.

Continuation			
ISSUES CONSTRAINTS	SOLUTIONS/STRATEGIES		
	PROPOSED POLICIES	MECHANISMS	CAPACITY BUILDING NEEDS TRAINING
			Standardized Refresher Course for Unions and Management on Labor Laws/Labor Relations/Human Relations and Productivity Seminars every two years

ISSUES CONSTRAINTS	SOLUTIONS/STRATEGIES		
	PROPOSED POLICIES	MECHANISMS	CAPACITY BUILDING NEEDS TRAINING
2. On enforcement: For Self Assessed Companies: Need for Union Representative sitting on Self- Assessment Committee to undergo Basic Occupational Safety and Health (BOSH) Training	DOLE to draft and A.O. for al Union representatives to undergo BOSH and other international labor standards training before sitting in the committee.		Seminars for Union Representatives on BOSH Training and Labor Standards Procedure

ISSUES/ CONSTRAINTS	SOLUTIONS/STRATEGIES		
	PROPOSED POLICIES	IMPLEMENTATION	CAPACITY BUILDING NEEDS DEVELOPMENT
	For LGUs to make a Resolution to require establishments to undergo seminars on FoA and other international labor standards before issuance of business permits	Regional Development Council (RDCs) to make an initiative in passing the said Resolution.	

GOAL 2: On Issues of Impunity			
ISSUES/ CONSTRAINTS	SOLUTIONS/STRATEGIES		
	PROPOSED POLICIES	IMPLEMENTATION	CAPACITY BUILDING NEEDS DEVELOPMENT
1. Leaders/ Organizers specifically BPOs Contractual Work Arrangements were constructively dismissed	DOLE to draft an A.O. requiring BPOs, Contractors and Sub-Contractors to attend FoA Seminars before issuance of clearance certificate.	Advocate Social Dialogue Bring this matter to RDCs	Advocate/Training HR Personnel/ Owners of BPOs and other Contractors and Sub-Contractors on Freedom of Association

ISSUES/ CONSTRAINTS	SOLUTIONS/STRATEGIES		
	PROPOSED POLICIES	MECHANISMS	CAPACITY BUILDING NEEDS/ TRANSITS
2. Blacklisting of workers/leaders who have organized as Rural Workers Associations (RWAs) which is not even for purposes of Collective Bargaining		Focus on Enforcement and Monitoring	