



KILUSANG MAYO UNO

MAY FIRST MOVEMENT

TAGAPAMANDILA NG TUNAY, PALABAN, AT MAKABAYANG UNYONISMO

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Dear Director General,

We express our sincere gratitude for your letter, dated 31 August, addressed to all ILO Member States. In this communication, you have acknowledged the receipt of the request from the ILO Workers' Group, dated 12 July 2023, seeking the urgent referral of the dispute concerning the interpretation of the Freedom of Association and Protection of the Right to Organize Convention, 1948 (No 87) (C.87) in relation to the right to strike to the International Court of Justice (ICJ) for decision, in accordance with article 37(1) of the ILO Constitution. The Workers' group also urged the inclusion of this matter on the agenda of the Governing Body for decision. This request has received support from 36 Governments from different regions, recognising the importance of legal certainty on this issue for all constituents.

We also express our appreciation for the background report that was prepared by your Office to inform the decision during the Special Meeting of the Governing Body on 10 November 2023, and welcome your invitation to all Governments and employers' and workers' organizations concerned to send in comments.

Indeed, the right to strike is of the utmost importance for workers in the Philippines, and the inability of the ILO to supervise this right, as a consequence of the dispute, in our national context is potentially seriously affecting labor relations in our country.

In the past years we have been diligently lobbying for the recognition by international bodies of the worsening state of trade union rights violations in the Philippines. Not only have we recorded extrajudicial killings, trumped up charges, and enforced disappearances as forms of violations, but also include that of illegal arrest, detention, harassment and physical injuries to workers on strike. Along with this, we have continuously questioned the Republic Act 6715, or Herrera Law, particularly the provision that authorizes the Labor secretary to issue Assumption of Jurisdiction (AJ) orders on labor disputes that serve as basis for the swift deployment of police and military forces in strikes in favor of business. This provision has been used as a tool of suppression of workers as demonstrated during the Hacienda Lusita massacre where striking farm workers were killed. At the core of workers' power is the fundamental right to organize and to strike, and thus should never be compromised.

We, therefore, wholeheartedly support the request for a referral from our Workers' representatives in the Governing Body and call for an urgent decision by the Governing Body to ensure an immediate referral of the dispute to the ICJ. In addition, since we firmly believe that the right to strike is an essential part of freedom of association and already elaborated by the ILO supervisory bodies, there will be no added value in a protocol complementing the convention to qualify the right to strike. On the contrary, any such attempt would generate a conflict with C.87 already guaranteeing the right to strike as a fundamental principle and right at work. This would further exacerbate the dispute rather than solve it. We are convinced that legal certainty through an advisory opinion of the ICJ that is binding on the ILO is urgently required.

In service of the workers and people,

A handwritten signature in black ink, appearing to be 'Elmer C. Labog', with a large, stylized initial 'E' and a long, sweeping underline.

Elmer C. Labog
Chairperson
Kilusang Mayo Uno