

Promoting the Effective Recognition and Implementation of the Fundamental Rights of Freedom of Association and Collective Bargaining in the Philippines

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International
Labour
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The Challenge

The rights of freedom of association and collective bargaining are basic human rights in the workplace, covered by ILO Conventions Nos. 87 and 98 respectively. Their recognition and implementation are seen to be important barometers of democracy and contribute to sustainable economic development. Trade unions, their members and officials, have faced a number of challenges and hurdles in the pursuit of these rights. These challenges which have been highlighted in various tripartite fora such as gaps in national law and practice, increasing informalization of the workforce and the need to build capacity among workers and employers' organizations in engaging in social dialogue. One of the most serious impediments to the exercise of these rights include basic denial of the right to form a union, harassment, intimidation, undue interference of security forces in peaceful trade union activities, including allegations of extrajudicial killings of trade union officials.



These have all contributed to the overall decline in union membership and coverage of collective agreements. According to data from the Department of Labor and Employment (DOLE), overall union membership has declined sharply from the early to late 2000s from 3,849,976 to 1,910,166 or a dramatic negative growth rate of -50.38 per cent - this is less than 1 per cent of the country's 36 million workers. In effect, both workers and employers, are missing out on the benefits derived from a more collaborative and mutually beneficial workplace relations.

Following several cases heard before ILO supervisory bodies concerning violations of the right to freedom of association, complaints about trade union harassment and collective bargaining being fettered, an ILO High Level Mission (HLM) visited the Philippines in September 2009. As a result of the HLM and ongoing dialogue with the Philippine government, the government itself committed to key reforms. These reforms include clarifying and limiting what are essential services, where the right to strike maybe limited. Revised rules on labour law compliance were also adopted, shifting from a punitive to a more developmental approach to labour standards inspection. Government has also broadened and streamlined access to conciliation and mediation services. To address the unnecessary intervention of security forces in legitimate trade union activities, a Joint Guidelines has likewise been signed between the DOLE, the Armed Forces of the Philippines (AFP), the Philippine National Police (PNP), the Department of Interior and Local Government (DILG) and the Department of Justice (DoJ). The Joint Guidelines also provides a tripartite mechanism for case profiling and monitoring of violations of the right to freedom of association and collective bargaining, as well as coordination with other relevant agencies to ensure effective and speedy resolution of cases, especially those involving extrajudicial killings and other grave labour related human rights violations.

The Response

The International Labour Organization Country Office in the Philippines (ILO CO-Manila) supports the government's initiatives to promote decent work and to address issues raised by the ILO supervisory bodies.

This Project seeks to build on previous and ongoing ILO initiatives in the Philippines which have, in tandem with the government's own programmes sought to develop strategies that promote freedom of association and use of collective bargaining by undertaking activities such as awareness raising, training and capacity building of various partner organizations to foster a climate conducive to better industrial relations.

The scope of previous and ongoing ILO initiatives in this area extend beyond working solely with the traditional triumvirate of the relevant government ministry DOLE and the employee and employer organizations. Initiatives also seek to broaden the scope and understanding of freedom of association and collective bargaining within the police and military as well as employers in Philippine economic zones.

Objectives

The Project's three core objectives were:

- To improve the capacities of the government's labour authorities (DOLE and the Philippine Export Processing Zone Authority [PEZA]), at both the local and national levels to be better equipped to promote and realize the rights of freedom of association and collective bargaining.
- To promote effective bipartite bargaining and tripartite social dialogue.
- To seek better enforcement and protection of victims and potential victims of civil liberties, trade union and labour rights violations.

Relevant ILO Conventions and Recommendations

- Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87)
- Right to Organize and Collective Bargaining Convention, 1949 (No. 98)

Strategies

- The computerized Labor Inspection Systems Application (LISA-PH) was developed under the Project to assist DOLE in ensuring the effectiveness, efficiency and transparency of the country's labour inspection system.
- As a result of separate SWOT analysis activities for employers and workers' organizations, 90 trade unionists were trained as trainers on modern and win-win collective bargaining techniques and methodologies. A manual on social dialogue for employers was likewise developed and will be used to train regional core groups to support employers set up and sustain various social dialogue mechanisms at various level.
- The Project also supported national level policy dialogue with the conduct of a National Forum on Collective Bargaining which disseminated good practices and generated proposals for collective bargaining reforms.
- The ILO has trained 104 officials and employees from DOLE, PEZA and the Commission on Human Rights (CHR) and 242 uniformed personnel under the Armed Forces of the Philippines (AFP) and the Philippine National Police (PNP), on international labor standards and freedom of association and collective bargaining. These trainings also supported the Regional Inter Agency Coordinating and Monitoring Committee (RICMC) headed by DOLE aimed at strengthening coordination in labor disputes, with the end view of exhausting conciliation and mediation mechanisms and preventing the intervention of uniformed personnel.
- A Training Guide on Freedom of Association and Collective Bargaining for the Military, Police and Security Forces in the Philippines was also developed and distributed to the AFP and PNP, to assist them in re-echoing the training programme to their other units.
- Assistance was provided to social partners in the crafting of Operational Guidelines for the Regional Tripartite Monitoring Boards, are aimed at improving case profiling, coordination with other relevant bodies and resolution of labor related extrajudicial killings, enforced disappearances and other grave violations of human rights and the rights to freedom of association and collective bargaining.



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