



# 15-Point Labour Agenda

## Towards Building Worker and Trade Union Power in the Philippines



**The following trade unions, workers organizations, labour federations, workers' associations, labour research centers and civil society organizations have not only participated in its development but have also endorsed and signed the 15-Point Labour Agenda (arranged alphabetically):**

1. Alliance of Concerned Teachers (ACT)
2. Alliance of Nationalist and Genuine Labor Organizations (ANGLO-KMU)
3. Alliance of Workers in the Informal Economy/ Sector (ALLWIES-TUCP)
4. All Workers Alliance Trade Union (AWATU-TUCP)
5. Alyansa sa mga Mamumuo sa Sugo (AMA SUGBO-KMU)
6. Associated Labor Unions (ALU-TUCP)
7. Associated Philippine Seafarers' Unions (APSU-TUCP)
8. Associated Professional Supervisory Office and Technical Employees Union (APSOTEU-ALU-TUCP)
9. BPO Industry Employees Network (BIEN)
10. Bukluran ng Manggagawang Pilipino (BMP)
11. Confederation for Unity, Recognition and Advancement of Government Employees (COURAGE/Bayan Muna)
12. Confederation of Independent Unions (CIU)
13. Crispin B. Beltran Resource Center (CBBRC)
14. Ecumenical Institute for Labor Education and Research (EILER)
15. Federation of Free Farmers-National Trade Union Center of the Philippines (FFF-NTUC PHL)
16. Federation of Free Workers (FFW)
17. Federation of Free Workers-Women's Network (FFW Women)
18. Home Mortgage Employees Association Inc. (HOMEAI)
19. IndustriALL Philippines
20. Kilusang Mayo Uno (KMU)
21. Kilusang Mayo Uno-Southern Mindanao Region (KMU-Southern Mindanao)
22. Kilusan ng Manggagawang Kababaihan (KMK)
23. Lakas Manggagawa ng Hanson Paper Philippines, Inc. (MMPI-ANGLO-KMU)
24. Lakas sa Industriya ng Kapatirang Haligi ng Alyansa (LIKHA Federation)
25. Liwayway Workers Union (LWU-ANGLO-KMU)
26. Mehitabel Workers Union (MWU-ANGLO-KMU)
27. Migrante Philippines (Migrante)
28. National Federation of Sugar Workers (NFSW)
29. National Public Workers' Congress (PUBLIK)
30. National Trade Union Center of the Philippines (NTUC PHL)
31. National Union of Bank Employees (NUBE)
32. Organisasyon ng Gagmay na Mag-uuma og Yanong Obrero Nagkahiusa (OGYON)
33. Pamantasan ng Lungsod ng Marikina Faculty Association (PLMAR-FA)
34. Philippine Federation of Labor (PFL)
35. Philippine Independent Public Sector Employees Association (PIPSEA)
36. Pinag-isang Lakas ng Manggagawa sa Manila Bay Thread (PIGLAS MBTC-ANGLO-KMU)
37. Public Services Labor Independent Confederation (PSLINK)
38. Sentro ng mga Nagkakaisa at Progresibong Manggagawa (SENTRO)
39. Sentro ng mga Nagkakaisa at Progresibong Manggagawa-Fishworkers Solidarity-General Santos City (SENTRO GenSan-Fishworkers Solidarity)
40. South Manila District Engineering Office Employees Union (SMDEO-EU)
41. Trade Federation 2-Kilos Damit (TF2-KD)
42. Trade Federation II-Kilos Damit (TF2-Kilos Damit)
43. Trade Union Congress of the Philippines (TUCP)
44. Universal Robina Corporation Employees Union (RCEU)
45. Unyon ng mga Manggagawa sa Agrikultura (UMA)



## Acknowledgement

This Labour Agenda has been a long-time in the making. Our various positions on new and old issues that beset the ranks of formal and informal workers in the Philippines have been reflected in government discussions and reports, in international forums, and in our respective position papers as individual labour organizations, but these have not been consolidated in one document until today. We, the participating unions and labour groups express sincere thanks to all who have contributed to this report.

In particular, we thank the ILO Country Office in the Philippines for receiving our initial idea to produce a Labour Agenda a friendly ear and generous encouragement. We express gratitude to Mr. Khalid Hassan, the Director of ILO Philippines for his support in this project. Our earnest appreciation for the unwavering guidance of Ms. Diane Lynn Respall, ILO Programme Officer, who helped sustain this initiative from the moment of inception until the realization of the report. To Mr. Bryan Balco, Project Manager, ILO Trade for Decent Work/PHL129/PHL826 Projects, who kept the momentum of our efforts going until the very end and to Ms. Catherine Bascos and Ms. Ray Alyannah Ysabel Lagasca who provided valuable administrative assistance.

We also thank Dr. Melisa Serrano, Professor, and Ms. Leian Marasigan, University Extension Specialist, of the School of Labor and Industrial Relations, University of the Philippines for the great work in consolidating and elaborating our stance and perspectives into this Labour Agenda. We appreciate your encouragement for further clarification and explanation as we got carried away in the often lively and intense discussions. More importantly, thank you for delivering our idea into fruition.

Finally, to our comrades in the Philippine labour movement. Thank you and congratulations for this accomplishment. Let this document serve as a useful and instructive reminder of what we stand for on the various issues and may we be able to contribute more effectively to our collective cause to improve the plight of workers in the Philippines. May our voices and ideas be bolder, more lucid, and robust and may it further reverberate in the halls of government, in the streets, and in digital spaces.



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## Labour's 15-point Agenda Towards Building Worker and Trade Union Power in the Philippines

### Introduction

The trade unions and workers' organizations in the Philippines have long-aspired to synthesize their common positions on important issues through a Labour Agenda. Up until now, unions' views and stance have only been reflected in policy reviews and strategy papers of the Department of Labor and Employment (DOLE) and the International Labour Organization (ILO) Country Office in the Philippines. The aspiration to have a consolidated document outlining the most important issues for workers drove this Labour Agenda document to fruition. The COVID-19 pandemic and a shrinking democratic space in the Philippines have also made it more urgent for workers' groups to draw together their collective position on common issues so that this may lead to stronger, more meaningful, and effective policy-oriented advocacy and mobilization efforts.

The trade unions in the Philippines face numerous challenges, some of which are new, but others are long-standing. For example, the full exercise of the right to organize and bargain collectively, contractualization, labour standards violations, lack of social protection, gender discrimination, widening social inequality, and

killings of labour leaders are enduring concerns, while some of the new challenges are climate change, just transition, and labour concerns in the Bangsamoro Autonomous Region in Muslim Mindanao (BARMM). The Labour Agenda serves as a guide for labour unions to work in sync as strategic partners. It sketches the landscape of the issues at hand and argues for the necessary government, trade union, and civil society action. It serves as a reference that unions can use when discussing with policymakers, legislators, administrators, employer groups, and international organizations in urging them to take action. It serves as a guide in crafting individual union priorities and timelines. It provides unions with options to help them determine priority 'asks' and design programs in which to allocate their organizational energies and resources.

The Labour Agenda is a dynamic, living document. It draws upon the collective mandates, expertise, and experiences of unions and workers' organizations that participated in its drafting. It will be reviewed, revisited, and updated in order to remain relevant and useful. A good labour agenda speaks for the workers that it represents and so it must always respond to the constituents' changing circumstances and always protective of their rights and welfare.

The completion of this Labour Agenda has come at the right time. The new administration is in the process of crafting the 2023-2028 Philippine Development Plan and it is important to



ensure that the voices of 46 million Filipino workers are integrated there. In recent years, trade unions and workers' organizations have also participated and have contributed to the UN Socio-Economic and Peacebuilding Framework (SEPF), the 2019 and 2022 Philippine Voluntary National Review of the Sustainable Development Goals (VNR SDGs), and the DOLE's National Economic Recovery Strategy (NERS). This Labour Agenda amplifies the workers' voices in those documents in one paper and reflects the unions' unwavering resolve to continuously strive to help realize rights-based, sustainable, and decent working conditions for all Filipino workers.

<sup>1</sup> Prepared by Dr. Melisa R. Serrano, Professor, UP School of Labor and Industrial Relations (UP SOLAIR), with the assistance of Ms. Mary Leian C. Marasigan, University Extension Specialist, UP SOLAIR.

## Methods

The Labour Agenda is a synthesis of positions of trade unions and workers' organizations on major issues that are the most currently important to workers. In drafting the labour agenda, the unions were assisted by Dr. Melisa R. Serrano, Professor at the School of Labor and Industrial Relations of the University of the Philippines, who adopted an iterative process in order to arrive at a version of the Labour Agenda that sufficiently reflects the participants' views and positions. The process includes conducting several rounds of consultations, draft revisions,

and validation meetings. The methods used for data collection include personal interviews, Zoom meetings, email exchanges, workshops, and face-to-face consultations with the unions and workers' organizations. Recent common position papers and policy papers of unions, workers' organizations, and trade union alliances were also reviewed by the researcher. These include Labour's Position Paper on the SEPF, the 2019 Philippine Workers' and Trade Unions Report on the SDGs, Labour's Review of the SDG Goals and Targets for the 2022 VNR Report, and the National Employment Recovery Strategy (NERS). A total of 23 unions and workers' organizations, including seven from the public sector, participated in the drafting and finalization process. The whole process took place between July and November 2022.

*This Labour Agenda was supported by the ILO Country Office for the Philippines.*

## Structure of the report

This report consists of two parts. Part I presents and discusses the 15-point Labour Agenda. Part II introduces the power resources approach and discusses how the Labour Agenda builds these power resources. The last part also identifies the power resources that each of the Agenda points might be able to develop and strengthen.







# Part I. The 15-point Agenda of Labour

## 1 Fully Realize Freedom of Association and Workers' Right to Security of Tenure

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### 1.1 End all forms of contractualization of labour and non-standard employment as these are obstacles to freedom of association

The rise of contractualization and other forms of non-standard employment is associated with the decline of unionization in the Philippines. Contractualization, which is the ubiquitous practice by employers of incessantly hiring workers on fixed- or short-term contracts, and other forms of (non-regular) non-standard employment<sup>1</sup> have become the single most important factor that constrains workers' right of freedom of association, a right guaranteed by the Philippine Constitution and ILO Convention 87. In 2014, over 1 in 4 (22%) of all workers in the private sector were in various forms of non-standard employment, according to the latest data from the Philippine Statistics Authority. In the public sector, workers on job order (JO) and contract of service (COS) arrangements, who are not considered government employees, comprised 1 in 4 of all workers in the government sector in 2022, according to data from the Civil Service Commission.

The ILO underscores that workers on temporary employment are exposed to the highest level of representation insecurity, that is, they cannot

effectively exercise freedom of association and the right to bargain collectively with their employers.<sup>2</sup> According to ILO, temporary employment includes all forms of employment with fixed-term contracts, including project- or task contracts, seasonal work, and casual work (including daily work). This form of employment, together with part-time and on-call work (including zero hours contracts), multi-party employment relationship (e.g., temporary agency work, subcontract labour), and disguised self-employment/dependent self-employment (or misclassified self-employment) constitute the four categories of non-standard employment proposed by the ILO.<sup>3</sup>

*a) Legislate a security of tenure law that effectively ends all forms of contractualization and non-standard employment in both the private and public sector.*

In 2015, there were 7 million employees in both the private and public sector who are in precarious work in the Philippines. These workers represent 30.7% of all wage and salary employees in the country in the same year. The share of precarious workers in private establishments was even higher at 34%. In the public sector, these workers comprised 14.2% of all employees. The increasing number of vulnerable and precariously employed



workers is still a major feature of the Philippine labour market as manifested in the rise of non-standard employment. In the Philippines, non-standard employment corresponds to non-regular forms of employment or precarious which include short-term work, agency-hired work, project-based work, seasonal work, casual work and other forms of non-regular employment including the “5-5-5” or “endo”.

Labour suppliers whose sole business is providing companies with workers are clearly engaging in labour-only-contracting (LOC) – a long-standing illegal practice based on the Labor Code, and yet, LOC proliferates in practice through manpower suppliers/contractors and manpower cooperatives. Manpower cooperatives ‘perpetuate the fiction that workers supplied by labour-only suppliers are not employees of the firm that procured their services, and this further condemns workers to helplessness, denying them an employer-employee relationship with the firm which is the real employer. The unions are calling for the disallowance of the business of manpower suppliers/contractors and manpower cooperatives.

Employment security provides workers access to social protection systems. Being in an employment relationship entitles workers to labour standards and labour rights under the Labor Code. The extensive use of non-regular forms of employment is an attack on the right of workers to regular employment and security of tenure. Contractualization of labour and the precarization of work prevent workers from exercising their right to unionize. In the public sector, workers’ representatives remain mere observers in the Public Sector Labor- Management Council (PSLMC). These and a host of other factors, including the shrinking space for Civil Society Organizations (CSOs) in the country, serve as stumbling blocks to the achievement of the Sustainable Development Goals (SDGs).

Therefore, there is a clear and urgent need for a law that safeguards and strengthens the security of tenure of workers, which enables them to fully exercise their Constitutional right to form unions and worker associations. In parallel to the proposed bills on security of tenure<sup>4</sup>, a new DO that supersedes DO 174 and DO 174-A and effectively plugs the gaps and loopholes in the legal frameworks should be issued.

*b) Regularize all contractual, job order and contract of service positions in government, including barangay health workers.*

As of 31 May 2022, there were 642,077 Job Order (JO) and Contract of Service (COS) workers in the government sector.<sup>5</sup> These workers now comprise over 1 in 4 of government workers. And the trend is gradually increasing for this group of workers. What is more alarming is that the number of JO and COS workers accounts for 40% of the total number of permanent employees.

There are an estimated 178,000 unfilled plantilla positions in the government yet there are close to 700,000 JO and COS workers.

Public sector unions are calling for immediate regularization of contractual, JO and COS workers, particularly in national government agencies, government-owned-and-controlled corporations, local government units, and state colleges and universities, as well as barangay health workers in local government units. There are several bills filed in the 19th Congress toward this end.<sup>6</sup> In addition, the public sector unions call for the revocation of the Joint Circular No. 2 of the Department of Budget and Management and the Commission on Audit, which updated the rules and regulations governing COS and JO workers in the government. This circular institutionalizes and worsens contractualization in the public sector.

In the BARMM<sup>7</sup>, a bill called the Bangsamoro Public Service Eligibility Equivalency Act (BPSEEA) has been filed by Member of Parliament Romeo K. Sema in the Bangsamoro Transition Authority. The bill grants civil service eligibility and permanent appointment to all employees in the Bangsamoro Government under casual and contractual, job order, Contract of Service, Memorandum of Agreement, Memorandum Order of Understanding, and similar contracts who have rendered at least three years of satisfactory government service. The bill also stipulates that after three years from its enactment into a law, SUCs/LUCs and LGUs will be prohibited from hiring JOs, COS and other similar engagement, except in consultancy agreement.

The pandemic brought to bear the critical role of barangay health workers (BHW) as they have been in the frontlines of the government’s efforts to prevent and control the transmission of COVID-19

at the community level. BHWs perform two roles in the community: they serve as frontline health center staff and act as community health mobilizers. They are commonly involved in various health center programs, including immunization, maternal care, family planning and hypertension management.

Over the years, BHWs have been classified as part-time volunteers, yet they perform important and regular health care services at the community level. As so-called volunteers, they do not receive a regular salary. Instead, some receive from the local government an allowance, which varies from PhP100 to PhP300 per day. Some BHWs do not receive an allowance at all. Moreover, they cannot be organized into a union under the Labor Code and therefore do not enjoy the protection of collective representation. The government continues to turn a blind eye on the plight of these workers. In addition, BHWs need to be accredited by the Department of Health (DOH). To facilitate this process, a certification program for BHWs by the Technical Education and Skills Development Authority (TESDA) can be considered a functional equivalent of the DOH certification.

Public sector unions have been calling for the passage of a law that regularizes BHWs.<sup>8</sup>

**1.2 Implement the conclusions of the ILO Committee on the Application of Standards (CAS) in the June 2019 International Labour Conference, recommendations of the ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR), report of the ILO Convention 87 virtual exchanges in September 2021, and succeeding observations/comments from ILO supervisory bodies on the Convention**

At the 108th International Labour Conference (June 2019), the CAS adopted conclusions regarding the application of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) by the Philippines. The CAS noted with concern the numerous allegations of murders of trade unionists and anti-union violence, as well as the allegations regarding the lack of investigation in relation to these allegations. The CAS also noted that the Government had introduced legislative reforms to address some of the issues but regretted that those reforms were not adopted

and urged the Government to bring the law into compliance with the Convention. The CAS requested the Philippine government to: (i) take effective measures to prevent violence in relation to the exercise of workers' and employers' organizations' legitimate activities; (ii) immediately and effectively undertake investigations into the allegations of violence in relation to members of workers' organizations with a view to establishing the facts, determining culpability and punishing the perpetrators; (iii) operationalize the monitoring bodies, including by providing adequate resources, and provide regular information on these mechanisms and on progress on the cases assigned to them; and (iv) ensure that all workers without distinction are able to form and join organizations of their choosing in accordance with Article 2 of the Convention (No. 87). The CAS also called on the Government to accept a high-level tripartite mission (HLM) before the 2020 International Labour Conference. The conclusions of the Committee of Experts on the Application of Conventions and Recommendations (CEACR) in the June 2019 International Labour Conference reiterated and provided more detail of the CAS observations and requests to the Philippine government.

On 6-7 and 16 September 2021, the International Labour Office set up a virtual exchange between the Philippine government and designated representatives from the workers' group and the employers' group. This exchange aimed at clarifying any outstanding confusion in respect of the 2019 CAS conclusions, assisting the government and the social partners to take effective action for their implementation, and gaining greater understanding of the situation on the ground and the developments since the 2019 CAS conclusions, including challenges faced and steps taken in relation thereto. Representatives from different government departments and agencies, the Commission on Human Rights (CHR), numerous trade unions, and the Employers' Confederation of the Philippines (ECOP) participated in the virtual exchanges.

The report of the virtual exchange produced by the ILO high-level delegation set forth the following recommendations:

*(a) Adopt a time-bound plan of action in consultation with the social partners and*



*with support from the ITUC and the IOE, to address each of the four areas of concern;*

*(b) Promptly and effectively investigate all allegations of extra-judicial killings of and assaults against trade unionists (those reported in 2019 and those occurring since then and presented in the virtual exchange in September 2021), to determine the circumstances of the incidents, including any links to trade union activities, and support the bringing of prosecutions;*

*(c) Strengthen the NTIPC-Monitoring Body and the RTMBs by ensuring the necessary levels of staffing, budget and investigative powers;*

*(d) Ensure the effective operationalization of AO35 IAC with the participation of the DOLE and the trade union movement on cases of direct concern brought forward by trade unions;*

*(e) Reiterate the Government's support for the 2011 and the 2012 Guidelines and ensure, pending any revision, their effective operationalization by the Government and its agencies;*

*(f) Take concrete measures to bolster the role of the DOLE in ensuring effective protection of labour rights in eco-zones; and*

*(g) Engage in discussion with the social partners and competent authorities to ensure that the NTF-ELCAC cannot be used for broad red-tagging of trade unionists and does not unfairly prejudice trade union activities.*

To fully realize freedom of association, the Philippine government should immediately and effectively act on the CAS and CEACR conclusions and the recommendations of the ILO delegation in the virtual exchanges in September 2021, and other proposals coming from trade unions and workers' organizations, which include the following:

*a) Adopt and implement effective measures to prevent violence in relation to the exercise of workers' legitimate activities.*

This can be done by (i) passing laws which seek to fix legal gaps and institutionalize a system of accountability by criminalizing red-tagging and providing penalties as deterrence thereto; (ii) legislating a bill concerning enforced and involuntary disappearances, and undertaking a review by the Supreme Court and the Commission on Human Rights of the witness protection programme on the writ of amparo adopted in 2007, as well as of the application of the Anti-Torture Act No. 9745 and of Act No. 9851 on crimes against international humanitarian law, genocide and other crimes against humanity; (iii) passing laws that provide protection to human rights defenders and women deprived of liberty; (iv) repealing or adopting measures to ensure that the Anti-Terrorism Act, 2020 does not have the effect of restricting legitimate trade union activities; and (v) abolishing the Joint Industrial Peace and Concerns Office (JIPCO), now called Alliance for Industrial Peace and Program (AIPP), as it violates Convention 87.

*b) Immediately and effectively undertake investigations into the allegations of violence in relation to members of workers' organizations and workers in the non-organized establishments and sectors, with a view to establishing the facts, determining culpability, and punishing the perpetrators.*

*c) Operationalize the mechanisms that enforce freedom of association in monitoring bodies with trade union representation, including providing adequate resources, and provide regular information on these mechanisms and on progress on the cases assigned to them.*

Towards this end, it is important to strengthen the role of mediator-arbiters from the DOLE regional offices as focal persons in assisting the processing of cases so as to provide more responsive and inclusive reports. There is also a need to fully operationalize and integrate a labour perspective in Administrative Order No. 35 Inter-Agency Committee (AO35 IAC) by including representatives of labour/trade unions, DOLE and CHR to provide clear determination of what constitutes labour-related cases. The conduct of training programs which aim at incorporating a labour perspective into the work of the AO35 secretariat and the Technical Working Group (TWG) results in a better appreciation of the relevance of the principles of

freedom of association and collective bargaining for their work. Similarly, training and capacity-building of State actors should continue as this enhances the investigative capacity of the concerned officials and the provision of sufficient witness protection. All these contribute to combating impunity.

*d) Ensure that all workers without distinction are able to form and join organizations of their choosing, including JO and COS workers in the public sector, in accordance with Article 2 of Convention 87.*

Corollary to this, there is an urgent need to review the existing guidelines that restrict registration of unions. Submission of requirements should only be ministerial and should be tantamount to actual registration pending issuance of a certificate of registration. At present, there are legislative initiatives that are aimed at introducing amendments to the Labor Code. These initiatives must be in conformity with Convention 87, Convention 98 (Right to Organize and Collective Bargaining), and the other fundamental

conventions of the ILO. Several of the bills<sup>9</sup> filed by the TUCP Party-list aim at strengthening freedom of association.

Organizations of workers in the informal sector and rural workers' associations call for an amendment of Department Order (DO) 40-03 that will allow these organizations to federate and be able to issue charter certificates.<sup>10</sup>

*e) Accept a High-Level Tripartite Mission as soon as possible, including its follow up activities.*

Trade unions have been calling for this mission as early as 2019. In an April 2021 communication to the ILO, the Philippine government expressed its intention to accept a high-level mission. However, due to the COVID-19 pandemic, the high-level tripartite mission has not yet taken place. Although a virtual exchange took place in September 2021, this does not substitute for a mission. The CEACR observes that despite measures undertaken and further commitments by the government, no evidence of tangible progress on the areas of





concern highlighted by the Conference Committee has been put forward by the latter. Given the continuing harassment and violence against workers, as denounced by the trade unions, there is a pressing need for a high-level tripartite mission to travel to the Philippines.

### **1.3 Push for and support the enactment of laws and policies that address the legislative issues raised by CEACR and trade unions**

a) Amend provisions of the Labor Code and the Revised Penal Code to ensure that penalties of imprisonment (involving compulsory labour) cannot be imposed for the mere fact of persons peacefully participating in strikes

Article 1(d) of the Labor Code provides punishment for having participated in strikes. Sections 272(a) and 264 of the Labor Code and 146 of the Penal Code stipulate that participation in illegal strikes is punishable with imprisonment from three months to three years, and from six months and one day to six years, respectively, penalty that involves compulsory prison labour under chapter 2, section 2, of the Bureau of Corrections Manual. Note that Section 263(g) of the Labor Code stipulates that in the event of a planned or current strike in an industry considered indispensable to the national interest, the Secretary of Labor and Employment may assume jurisdiction over the dispute and settle it or certify it for compulsory arbitration. Moreover, the President may determine the industries indispensable to the national interest and assume jurisdiction over a labour dispute. The declaration of a strike after such “assumption of jurisdiction” or submission to compulsory arbitration is prohibited (section 264), and participation in an illegal strike is punishable by imprisonment as provided in Section 272(a) of the Labor Code, which involves an obligation to perform labour. The CEACR notes that Convention 105 (Abolition of Forced Labour) prohibits the imposition of compulsory labour, including compulsory prison labour, on persons participating peacefully in a strike.

In relation to DO 40-G-03, Series of 2010, there should be strict observance of the required clearance from DOLE on cases arising out of or related to a labour dispute before any criminal action be filed at the regular courts.

In 2019, a House Bill entitled “Act limiting the power to assume jurisdiction over labour disputes involving essential services by the President of the Philippines” was filed. It aimed to limit government intervention leading to compulsory arbitration to essential services in the strict sense of the term. The trade unions will push for a similar bill in the Philippine Congress.

Any bill filed related to limiting the power of the Secretary of Labor to assume jurisdiction over labour disputes should bear a clear definition of essential services and enumerate what these essential services are.

***b) Pass a law on labour relations in the public sector that strengthens unionization and ensures full trade union rights of workers in the public sector.***

The overly stringent requirements for union registration (i.e., 10% signature support requirement) at the lower level constrains freedom of association of public sector workers. Philippines has ratified Convention 151 (Labour Relations in the Public Service) in 2017. Yet, there has been no changes in the regulatory framework on labour relations in the public sector that ensures full trade union rights of workers in the sector. The limitations of Executive Order No. 180 (including its amendments), including the following remain unaddressed at the national, regional, city or municipality levels.

- Limited coverage in terms of the various groups of public sector workers.
- The powers, duties and jurisdictions of regulatory agencies are not adequately defined.
- There is no specification and penalty on unfair labour practices.
- There are no penalty provisions in case EO 180 is violated.
- The bargaining parameters are limited to the terms and conditions fixed by law which are not subject to negotiations.
- It is silent on the manner and procedure of negotiations or the duty to bargain.
- The right to strike is not enjoyed by public sector workers.

In terms of worker representation in the Public Sector Labor-Management Council (PSLMC), representatives of public sector unions are relegated as mere observers. Although they could participate in the deliberations of the PSLMC, they do not have the right to vote. This precludes trade unions' meaningful participation in the implementation of the EO and undermines the role of trade unions in social dialogue.

There are two bills filed in the House of Representatives that aim to strengthen unionization and ensure full trade union rights of workers in the public sector.<sup>11</sup>

*c) Pass a law that recognizes the right to self-organization and the right to join and assist labour organizations of migrants aliens, particularly domestic workers with or without a valid working permit.*

Convention 87 recognizes the right of workers, without distinction whatsoever, to establish and join organizations of their own choosing. This implies that anyone residing in the territory of a State, whether or not they have a residence or a working permit, benefits from the trade union rights provided by Convention 87. Article 3 of Convention 189 (Domestic Workers Convention), which the Philippines ratified, enjoins States to take appropriate measures to respect, promote and realize the fundamental principles and rights at work of domestic workers, including freedom of association and the effective recognition of the right to collective bargaining. While the Domestic Workers Act or Batas Kasambahay (Republic Act No. 10361) recognizes the right to form, join, or assist labour organization of domestic workers, it is silent on the coverage of domestic workers who are migrant aliens.

*d) Adopt and implement measures to ensure that the implementation of the Anti-Terrorism Law (ATL) do not have the effect of restricting legitimate trade union activities and rescind Executive Order No. 70 which created the NTF-ELCAC as its operationalization evidently restricts legitimate trade union activities.*

Section 4 of the Anti-Terrorism Act defines the offence of terrorism as certain acts committed with the purpose, by their nature and context, to intimidate the general public or a segment thereof,

to create an atmosphere or spread a message of fear, to provoke or influence by intimidation the Government or any international organization, or to seriously destabilize or destroy the fundamental political, economic or social structures of the country, or to create a public emergency or seriously undermine public safety. The penalty is life imprisonment, without the benefit of parole. Although the government clarified that advocacy, protest, dissent, stoppage of work, industrial or mass action and other similar exercises of civil and political rights which are not intended to cause death or serious physical harm to a person, to endanger a person's life, or create a serious risk to public safety, shall not be deemed acts of terrorism, the law has been used to label trade unions, such as the Confederation for Unity Recognition and Advancement of Government Employees (COURAGE) and Alliance of Concerned Teachers (ACT), as terrorist organizations. Also, media workers, media enterprises, and book publishing businesses are being red tagged or threatened or displaced.

The trade unions and the International Trade Union Organization (ITUC) continue to express grave concerns over the adoption of the Anti-Terrorism Act of 2020, which have been used to silence dissenting voices and further entrenched State repression and hostility against workers, trade unionists, media workers and enterprises, and even book publishing companies. The recent killing of veteran journalist and firebrand broadcaster Percival "Percy Lapid" Mabasa on 3 October 2022, who is a known crusader against red-tagging and a fearless critique of the administrations of Marcos Jr. and former president Rodrigo Duterte as well as local officials whom he considered corrupt, adds up to the senseless killings of journalists in the country. Trade unions have denounced the killing of Mabasa.

Thirty-seven petitions, including the petition from trade unions, filed at the Supreme Court sought to nullify provisions of the law as unconstitutional. However, the high court mostly ruled in its favor, as it upheld the constitutionality of most provisions, including the Anti-Terror Council's power to designate a person or group a terrorist even before a trial.

In the 19th Congress, several bills have been filed that criminalize red-tagging and define the rights and fundamental freedoms of human rights defenders.<sup>12</sup>

#### **1.4 Immediately craft, with the involvement of trade unions, the implementing rules and regulations of the Labor Education Act of 2021**

Republic Act 11551 or the Labor Education Act of 2021 directs all public and private higher education institutions (HEIs) to integrate labour education as part of an elective course and in technical vocational institutes (TVIs). The law provides that as far as practicable, these HEIs must also hold a labour empowerment and career guidance conference to be attended by the graduating students. Labour education according to RA 11551 means the teaching of basic knowledge on labour rights and other skills relating to negotiation, fostering smooth interpersonal relations in the workplace, and mechanisms for redress of grievances and other concerns.

To date, however, the implementing rules and regulations of the law are still lacking. Thus, trade unions are calling for the full implementation of the Labor Education Act which will integrate labour rights in the education curriculum and the involvement of trade unions in the crafting of the implementing rules and regulations.

#### **1.5 Issue a DOLE Labor Advisory or a joint DOLE and Bangko Sentral ng Pilipinas circular that waives the requirement of registration with the Securities and Exchange Commission (SEC) before trade unions can conduct any bank transactions**

Trade unions' registration with the Bureau of Labor Relations and regional offices of DOLE and the charter certificates issued by national federations already accords legal personality to trade unions, and as such entitle them to enjoy the rights given to legitimate organizations in the country, including engaging in bank transactions.

#### **1.6 Pass the Bangsamoro Labor and Employment Code and the Bangsamoro Labor Justice Administration Act**

In the BARMM, Member of Parliament (MP) Romeo K. Sema, MP Raissa Jajuri, and MP

Anna Basma filed the Bangsamoro Labor and Employment Code (BLEC) Bill. The bill is aligned with the Bangsamoro Development Plan 2020-2022 and it closely adheres with the Labor Code, international labour conventions and standards, and recommendations. The bill has eight books: Pre-Employment (I), Employment Standards and Productivity (II), Cultural Rights and Practices of Muslim and Non-Muslim Workers (III), Social Welfare and Protection (IV), Employment Relations (V), Post-Employment (VI), Bangsamoro Labor Justice Administration (VII), and Transitory and Final Provision (VIII). Book I include employment regulations of different types of workers such as public sector, elderly, overseas workers, workers in the informal economy, non-resident foreign nationals, domestic workers, working children etc. With regards to skills and entrepreneurship training, the bill recognizes the possibility of abuse with regards apprenticeships and training and so includes compliance with 'provisions of enforcement' by the MOLE. Meanwhile, among the notable provisions under the section on Employment Relations (Book V) is the prohibition of other forms of employment other than project, seasonal, and probationary employees. Project and seasonal employees are deemed regular workers under the bill. The bill also adopted the Labor Code's 'federated approach' to union organizing.

The Bangsamoro Labor Justice Administration Act complements the proposed BLEC. This Bill tackles the need to provide expeditious, fair, non-litigious, inexpensive and accessible services for conciliation and mediation and mechanisms for voluntary and compulsory arbitration. Among the proposed measures are the use of the Single-entry Approach (SEnA), the creation of the Bangsamoro Conciliation and Mediation Board (BCMB), Bangsamoro Labor Adjudication Commission (BLAC), and Bangsamoro Voluntary Arbitration and Bangsamoro Voluntary Arbitration Tripartite Council (BVATC).





## 2 Strengthen and Expand Collective Bargaining

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Collective bargaining plays a key role in the effective regulation of employment relations and in yielding superior outcomes in unionized workplaces. ILO Convention 98 (Right to Organize and Collective Bargaining), which the Philippines ratified, enjoins governments to encourage and promote voluntary negotiation between employers or employers' organizations and workers' organisations and recognizes that collective agreements can be utilized to regulate the terms and conditions of employment.

At the minimum, bargaining outcomes mirror statutory standards, which highlight the monitoring role of collective bargaining. Through collective bargaining, unions participate in the enforcement of regulations at the enterprise level, especially given the institutional challenges of monitoring and enforcing labour standards in the country. Yet, the growth of collective bargaining remains slow. According to the Bureau of Labor Relations (BLR), of the 17,820 enterprise-based unions in last quarter of 2020, only 800 or 4.5% had a collective bargaining agreement (CBA) that covered a small fraction (182,030 or 7%) of the total 2.6 million wage and salary workers in the private sector.<sup>13</sup>

**2.1 Implement mandatory Sole and Exclusive Bargaining Agent (SEBA) recognition for the purpose of collective bargaining of a trade union that has acquired a union**

**membership that comprises a simple majority (50% + 1) of the bargaining unit**

In the private sector, the tedious legal requirements for collective bargaining, particularly the determination of the SEBA through certification election, is the most important policy constraint that holds back the growth of collective bargaining in the country.

To facilitate the bargaining process, there is a need to enforce SEBA recognition of a trade union whose membership comprises at least a simple majority (50% + 1) of the bargaining unit for the purpose of collective bargaining. Mandating the same requirement for certification election is not only redundant; it is also unfair and unjust. It severely restricts the exercise of the Constitutional right of workers to collective bargaining and negotiations<sup>14</sup>.

SEBA recognition should not have a term (the usual practice is that if a union acquired a SEBA and within one year period it did not conclude a CBA with the employer, the union will again need to acquire a new SEBA certification) unless the SEBA is contested by another union through a petition for certification election.

In the certification election, the NO UNION choice should be removed. Also, plurality of votes should be recognized.

In unfair labour practice (ULP) cases that are considered as a criminal offense, there should be no condition precedent. Once determined, the ULP can be immediately and directly filed at a regular court.

The coverage of collective bargaining in terms of categories of workers is shrinking. This stems from the legal framework, particularly the definition of a bargaining unit in CBAs. Only regular or permanent workers are included in the bargaining unit. Meanwhile, the number of non-standard workers (e.g., casual workers, contractual workers, project-based workers, agency-hired workers) is increasing. In light of this, a legal framework that allows for the extension of collective agreements will enable trade unions to extend their bargaining coverage to non-standard workers. With this framework in place, the DOLE can issue extension orders to extend protection to precarious workers, particularly if these workers comprise a significant proportion of the workforce.

## **2.2 Promote multi-employer bargaining and industry bargaining**

Collective bargaining plays an important role in the regulation of employment and working conditions in unionized enterprises. A higher level of bargaining structure such as multi-employer and industry bargaining significantly contributes to the extension of good bargaining outcomes to more workers.

While Department Order (DO) No. 40-03 of the DOLE recognizes both single-enterprise and multi-employer bargaining structures, the locus of collective bargaining in the Philippines is still at the enterprise level. Enterprise-based bargaining has been the bargaining structure since the early 1950s, and multi-employer bargaining, and more so industry-level bargaining and national bargaining, are not practiced in the Philippines.

Section 5, Rule XVI of the DO provides conditions for multi-employer bargaining to take place:

(i) Only legitimate labour unions who are incumbent exclusive bargaining agents may participate and negotiate in multi-employer bargaining; (ii) Only employers with counterpart legitimate labour unions who are incumbent bargaining agents may participate and negotiate in multi-employer bargaining; and (iii) Only legitimate labour unions who pertain to employer

units who consent to multi-employer bargaining may participate in multi-employer bargaining.

While DO 40-03 may have provided the regulatory space for multi-employer bargaining to gain ground in the Philippines, the voluntary nature of employers' participation under the rules constitutes a policy constraint that limits the effectiveness and inhibits the growth of this bargaining structure. In practice, employers may simply refuse to be covered by multi-employer CBAs. Moreover, it is difficult to implement the rules on SEBA across multiple employers or in an industry setting. The requirement of having an exclusive bargaining agent reduces collective bargaining to a single company and thus hinders other forms of collective bargaining such as multi-employer bargaining and, more so, industry bargaining. In many cases, employers can even challenge certification election in the courts on certain grounds (e.g., determination of coverage of bargaining unit) as a way to delay, if not defeat, the collective bargaining process.

To effectively implement multi-employer bargaining, DO 40-03 needs to be amended or superseded by another DO that specifically mandates the duty to bargain or at least compels employers to negotiate under the scheme. The tedious legal requirements before collective bargaining can commence (i.e., union registration and then certification election) also constitute a policy barrier that needs to be addressed. There is also a need for a new DO that recognizes and promotes industry bargaining.

For the public sector, the proposed Public Service Labor Relations bill should be enacted to expand collective bargaining in the public sector to include national, sectoral, and regional bargaining, as well as expand negotiable items including salary and other monetary benefits.

## **2.3 Promote the rights of workers and operators in the informal sector to collectively engage in negotiations with government entities, business enterprises, and other actors through (the establishment of) bargaining forums**

Workers in the informal sector collectively negotiate or bargain with government entities, employers groups, business enterprises, and other actors for better and more stable income,

more secure work and workspace/location, better working conditions including safety and health, social protection, protection from discrimination and harassment, and voice. Bargaining therefore revolves around demands of informal sector enterprises and workers for legal recognition as economic agents, legal protection, the creation of bargaining forums, and their equal representation in these forums. It is through the establishment of bargaining forums, also referred to as representative forums, that enterprises and workers in the informal sector negotiate with government authorities at the national and local (i.e., province, city, municipality) levels. At the local government level, bargaining forums allow participation of organizations of informal sector enterprises and workers in the formulation and enforcement of regulations that affect their work and livelihood security. The participation of these organizations not only provides better protection and higher productivity (as a result of work security) for informal sector enterprises and workers but also improves the overall governance of the city or municipality. Specifically, the establishment of bargaining forums facilitates the collective representation of informal sector enterprises and workers and promotes social dialogue.

While development councils or similar structures at the provincial, city and municipal levels allow for representation and participation of organizations of informal sector enterprises and workers in local governance, they may not be an effective structure for collective negotiation between these workers and the local governments. The mandatory establishment of bargaining forums for enterprises and workers in the informal sector at the local government level can effectively promote the growth of collective bargaining in the informal sector. Negotiations may focus on, but not limited to, the following: (i) integration into city/municipal modern waste management systems (waste pickers and recyclers); (ii) freedom from forced relocations and zoning restrictions (street market vendors and hawkers); (iii) access to routes and passengers (informal transport workers); right and space to vend under fair and reasonable conditions and facilities at vending sites (street, market vendors and hawkers); (iv) common production centers (farmers) and integration of workplaces in the land use plan of local governments (farmers and fisherfolk); (v) health and safety (waste pickers and recyclers); and (vi)

freedom from harassment, bribes and evictions by city/municipal authorities and police (street market vendors and hawkers, waste pickers and recyclers).

Bargaining forums may also be established when organizations of informal sector enterprises and workers and business enterprises and employers negotiate over any of, but not limited to, the following: (i) fair prices in piece rates and for recyclables (subcontracted home-based workers, own-account home-based workers, waste pickers and recyclers); (ii) protection from exploitation by intermediaries who take high fees (street market vendors and hawkers); (iii) transparent contracts/ work orders (own-account home-based workers and subcontracted home-based workers); (iv) enforcement of statutory obligations to have access to social security (subcontracted home-based workers); (v) occupational health and safety training (subcontracted home-based workers, own-account home-based workers); and (vi) protection from arbitrary rejection of goods and cancellation of work orders (subcontracted home-based workers).

The bargaining forums should also allow some workers in the informal economy to come up with multi-employer or multi-actor negotiated agreements on social insurance contributions. For example, in the case of digital platform workers, the employer's 50% share can be split between 20% state subsidy and 30% digital platform industry-wide globally-funded contributions.

In the case of domestic workers (kasambahays), multi-employer bargaining should be promoted. In Zamboanga City, multi-employer bargaining facilitated the registration of kasambahays in barangays and local ordinances were issued to address gaps in the Batas Kasambahay.





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## 3 Strengthen Wage Policies, Especially for the Low-wage Sectors

In the Philippines, the minimum wage is determined regionally and thus varies across regions. The Philippines ratified ILO Convention 99 (Minimum Wage Fixing Machinery, Agriculture) which applies in the agriculture sector. Article 1 of this convention provides that all members of the ILO which ratified the convention should: (i) undertake to create or maintain adequate machinery whereby minimum rates of wages can be fixed for workers employed in agricultural undertakings and related occupations; and (ii) are free to determine, after consultation with the most representative organizations of employers and workers concerned, where such exist, to which undertakings, occupations and categories of persons the minimum wage fixing machinery shall be applied.

### 3.1 Adopt a national minimum wage for both the agricultural and non-agricultural sectors

Minimum wages play an important role in reducing income inequality. A minimum wage policy can also help prevent a general decline in the level of nominal wages and deflationary developments. It trims down the low-wage sector thereby changing income distribution. As an author points out: “Looking at the distribution effect, minimum wage increases (which compress the wage structure from below) not only lead to redistribution within wage earners, but also can increase wage shares.”<sup>15</sup> Minimum wage, combined with a strong social policy, is an efficient mechanism

against poverty and income erosion of the poorest households. These functions of a minimum wage policy are even more important in countries where trade unions and bargaining systems are weak and decentralized (i.e., organized at the enterprise level).

However, the existence of minimum wages is not sufficient to guarantee positive effects. A minimum wage policy should be in line with the following key principles, among others:

- It must cover a sufficient number of employees
- It should be adjusted frequently, usually annually.
- It should increase at least according to the trend in productivity plus the target inflation rate of the Central Bank, otherwise it cannot help to establish a wage anchor against deflation efficiently
- It should increase at least in line with average wages because this is the only possibility to prevent an increase in the wage gap. As long as low wages are considered to be too low in comparison to average wages, minimum wages should increase faster than average wages.
- There should be one national minimum wage and as few minimum wages as possible.<sup>16</sup>

The literature on the effects of minimum wages on employment are rather mixed. However, empirical studies on the negative employment effects of minimum wages are difficult to find. One study points to little or no employment response to modest increases in the minimum wage.<sup>17</sup> Possible adjustments—called “channels of adjustment”—to minimum-wage increases may help explain the small employment effects. The most important channels of adjustment include the following: reductions in labour turnover; improvements in organizational efficiency; reductions in wages of higher earners (wage compression); and small price increases. These adjustment mechanisms appear to be more than sufficient to avoid employment losses, even for employers with a large share of low-wage workers. The same conclusions are echoed by another author: “Minimum wages do not lead to unemployment. Countries with very high wage dispersion can have high unemployment while those with low wage dispersion might ensure full employment.”<sup>18</sup>

While the Wage Rationalization Act (Republic Act 6727) prescribes a number of standards and criteria<sup>19</sup> for minimum wage fixing, including productivity growth, the disconnect between wages and labour productivity growth remains. Several studies found that despite growth in labour productivity over the years, the average real daily basic pay continued to decline.<sup>20</sup> A key principle in minimum wage setting is that it should increase at least according to the trend in productivity. This is difficult to do, not least inefficient, in a setting where there are many different minimum wage rates (at least 100 in the Philippines) across regions and sectors. This may partly explain why there is no clear link between growth in wages and productivity in the Philippines.

While there are a number of enterprises that have adopted productivity-related wage schemes, there may be limits to such schemes if increases in productivity are to be sustained over the long term, both at the enterprise level and in the economy as a whole. As one author emphasizes: “If productive enterprises have to share productivity gains in terms of higher wages when others do not, this creates disincentive to raise productivity (as productivity gains will be eaten up by wage increases).”<sup>21</sup> This may partly explain why enterprise-based schemes are unattractive to many, if not most, employers.

Therefore, a national minimum wage that covers the agricultural and non-agricultural sectors and which follows the key principles identified above is a better mechanism than regional minimum wages in reducing inequality and poverty in the medium and long-term. A national minimum wage policy that considers the overall productivity growth of an economy is also a more efficient and sustainable way of enhancing productivity economy-wide.

In determining the level of a national minimum wage, the use of a “wage norm”, that is, wage adjustments that consider a country’s medium-term productivity development and the target inflation rate of the central bank, should be considered.<sup>22</sup> With this wage norm, both the inflationary impact and productivity basis of wage increases are considered. The use of the wage norm in setting wages at the national or sector level would ensure that productivity gains are shared across sectors and that productive enterprises are rewarded.

### **3.2 Immediately create an independent national body to set the national minimum wage before abolishing the Regional Tripartite Wage and Productivity Boards (RTWPBs)**

Setting a national minimum wage, therefore, leads to the abolition of the Regional Tripartite Wage and Productivity Boards (RTPWBs). Instead, an independent national minimum wage fixing body should be established. A modified version of the Low Pay Commission (LPC)<sup>23</sup> in the United Kingdom may be a good example. The commission is an independent public body that advises the government about the national minimum wage and the national living wage. It is composed of nine commissioners: three members with union background, three members with employer background, two labour economists, and the chairman. The LPC is tasked to monitor the implementation and the impact of minimum wage, and to deliver policy recommendations to the government. The LPC recommends to the Secretary of State the annual wage increases, after consulting workers’ representatives, employers and other actors who are directly affected by the changing rates of the national minimum wage.

The trade unions propose that the three trade union representatives must come from national trade unions.



### 3.3 Set the minimum wage to a living wage

As elsewhere, working poverty<sup>24</sup> is a reality in the Philippines. The COVID-19 pandemic has exposed and exacerbated the vulnerability of low-paid workers especially during crises. This makes the provision of a living wage all the more urgent.

According to the UN Global Compact, there is no universally agreed definition of a living wage as a concept and no universally accepted monetary amount that defines such remuneration. However, there is broad consensus on what constitutes a living wage—it is a wage that enables workers and their families to meet their basic needs and allows for a decent living.<sup>25</sup>

Article XIII, Section 3 of the 1987 Philippine Constitution guarantees the entitlement of all workers to a living wage. Ensuring a living wage is an important aspect of decent work. However, the minimum wages in the Philippines are definitely not a living wage. They are in reality poverty wages. Data from the ILOSTAT on the working poor in the Philippines indicate that over half (53%) of all employed persons in 2021 belong to the working poor: 32% were near-poor (earning US\$3.20 to US\$5.50 a day), 18% were moderately poor (earning US\$1.90 to US\$3.20 a day), and 3% were extremely poor (earning less than US\$1.90 a day).<sup>26</sup> Note that the World Bank's international poverty line is US\$1.90 a day.

The IBON Foundation estimates that, as of February 2022, a family of five in the National Capital Region (NCR) needs P1,072/day or Php25,252/month in order to live decently.<sup>27</sup> This amount is double the current highest minimum wage of P537/day in NCR.

In computing for the “family living wage”, IBON considered the daily expenses of a family of five which include food, house rent, utilities (water, electricity, gas, etc.), transportation, education, savings, and others.

In light of this, trade unions are calling for immediate action on the adoption of a national living wage. In this connection, there is a clear and urgent need to undertake a study on what constitutes a living wage and its monetary amount. The IBON estimates can serve as a starting point. This study can be done by a body similar to the UK's LCP. It can also be done by labour- oriented

economists and academics in collaboration with trade unions. The results of the study will be an important benchmark in setting the current minimum wage and in determining the amount of the national minimum wage.

### 3.4 Address the pay inequities and equalize the salaries in the public sector

While salaries of government workers have increased over the years through the Salary Standardization Law (SSL), these increases are released in tranches and are inadequate in keeping up with the high inflation. Public workers also end up with a significantly reduced take-home pay after tax and other obligatory deductions. The lowest salary grade in government is Salary Grade 1 at Ph P12,517 a month which is barely above the poverty threshold of PhP12,030 per month. This amount is also way below Php 42,000 – the monthly income needed by a family of five to survive based on estimates by the NEDA back in 2018.<sup>28</sup>

#### *a) Equalize the salaries between national and locally employed government workers.*

Despite the standardized salary structure in the civil service there are stark wage differentials between national and local government employees. Section 10 of RA 6758 or the Compensation and Position Classification Act provides that salary rates for locally hired government workers shall be determined on the basis of the class and financial capability of each LGU. It also sets percentage caps on rates of pay depending on the classification of an LGU. Thus, a regular public nurse hired in a 6th class municipality for example is paid 35% less than a public nurse hired in a 1st class LGU even if both are performing the same job and have the same qualifications. In addition, the Local Government Code sets general limitations on personal services expenditure further hindering the capability of LGUs to hire and pay regular workers.

#### *b) Address the pay inequities and wage distortion brought about by the adoption of the Compensation and Position Classification System.*

The recent implementation of the Compensation and Position Classification System (CPCS) has also led to the massive pay inequities and wage

distortion in GOCCs. Since the enactment of RA 10149 or the GOCC Governance Act of 2011, salary increases of workers from GOCCs were excluded from SSL increases pending the completion and implementation of CPCS by the Governance Commission for GOCCs (GCG). The CPCS was approved in 2021 through EO 150, and its IRR was issued in January 2022. Due to the CPCS, there had been extreme inequality in salaries, substantial cuts on allowances and benefits of rank-and-file personnel, and gross violations of existing CNA. For example, around 10% of Landbank's rank and file will receive a paltry 0.67% salary increase while top level positions will get as much as 236%. There is also a lack of transparency in the development and implementation of the CPCS and the flawed framework and methodology used for job evaluation is disadvantageous to small, non-earning or non- commercial GOCCs.







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## 4 Implement Universal and Adequate Social Security and (contributory and non-contributory) Social Protection for All

Under the Social Protection Operational Framework of the Philippines, social protection has four main components: labour market interventions, social insurance, social welfare and social safety nets. Unfortunately, the coverage and implementation of programs and policies under these components have remained inadequate and uneven particularly when it comes to health care and in the absence of basic income security. Workers and their families can quickly descend into deep poverty while fighting sickness and disease. Before the COVID-19 pandemic, out-of-pocket health spending as percentage of total health expenditure is already at 51.7% as of 2018<sup>29</sup> because while health insurance is nearly universal, it covers less than half of what the total population spends for their health needs.

### 4.1 Conduct a study that explores ways to increase the pension of retirees and the number of retirees receiving pension

In the latest Mercer CFA Institute Global Pension Index (MCGPI) released on 11 October 2022<sup>30</sup>, the Philippines has the second worst retirement

income system among 44 nations, making it one of the worst retirement countries globally. It ranked 43rd out of 44 economies included on the list, with an overall score of 42.0—slightly lower than the 42.7 in 2021.

The MCGPI rankings were based on the weighted average of the adequacy, sustainability, and integrity sub-indices to measure each retirement system against more than 50 indicators. An index value between 35 and 50 (Grade D) means that the pension system has some desirable features, but also has some major weaknesses and/or omissions that need to be addressed; without the needed improvements, its efficacy and sustainability are in doubt. An index value between 50 and 60 (Grade C) means that the pension system has some good features, but also has some major risks and/or shortcoming that should be addressed; without these improvements its efficacy and long-term sustainability can be questioned.

The Philippines' adequacy sub-index score, which measures the benefits provided to the poor and a range of income earners, was low at 40.5. The

country's sustainability sub-index (i.e., economic importance of the private pension system, its level of funding, the length of expected retirement both now and in the future, the labour force participation rate of the older population, the current levels of public pension expenditure and government debt, and the level of real economic growth) and integrity sub-index (i.e., regulation and governance, protection and communication for members, and operating costs) were 52.3 and 30, respectively.

According to MCGPI, the overall index value could be increased by increasing the minimum level of support for the poorest-aged individuals, increasing coverage of employees in occupational pension schemes, setting aside funds in the public system for the future, introducing non-cash out options for retirement plan (proceeds to be preserved for retirement purposes), improving the governance requirements for the private pension system.

The Social Security System (SSS) reports that, as of July 2021, SSS had more than 2.9 million pensioners, of which 1.79 million were retirement pensioners, 1.06 million were death pensioners, and 74,418 were disability pensioners.<sup>31</sup> Meanwhile, data from the PSA shows that there were 6.4 million Filipinos aged 65 years old and over of the total 75.57 million population of 15 years old and over.<sup>32</sup> This suggests about 3.5 million elderly people were not receiving pension from the SSS.

Indeed, the inadequacy and coverage of pension for the low-wage workers in the country puts these workers into deeper poverty, especially amidst rising inflation, when they retire. In this regard, the trade unions propose the conduct of a study that explore ways of increasing the pension of retirees and the number of retirees receiving pension, taking into consideration some of the proposals of MCGPI.

**4.2 Establish and maintain a nationally defined social protection floor that provides essential health care and basic income security for all and takes into account the ILO Social Protection Floors Recommendation 202.**

*a) Increase government spending on health*

The Philippine government should increase its spending on health as a share of GDP which in 2018 stood at 1.44%; this is less than the ASEAN average of 1.78% and the world average of 5.87%.<sup>33</sup> Between 2005 and 2018, over half of total health expenditure in the Philippines comprised out-of-pocket expenses. In 2018, about 54% of current health expenditures came from people's own pockets. The high costs of medical care can also put even non-poor citizens into excessive debt and impoverishment. This means that Filipinos have been shouldering the lion's share of health expenses, while the Philippine government has been cutting back or scrimping on the provision of this public service. The government should increase funding for healthcare in order strengthen the DOH's capabilities, raise the salaries and benefits of health workers, provide financial support especially for nurses, doctors, and other health frontliners, improve the quality of health care services, and reduce out-of-pocket financing for health needs.

*b) Fully fund and expand the coverage universal health care*

The trade unions and worker organizations welcome the passage of the Universal Health Care (UHC) Law (Republic Act No. 11223) in February 2019. The UHC automatically enrolls all Filipino citizens in the National Health Insurance Program and prescribes complementary reforms in the health system, including the expansion of the coverage of the Philippine Health Insurance Corporation (PhilHealth) to include free medical consultations and laboratory tests. However, the benefits given by Philhealth are inadequate and maladaptive to people's changing needs. Access to services like dental and palliative care particularly in remote areas have woefully lagged behind, yet the cost of private health care services continues to increase, and therefore health services remain inaccessible to many people that need them.

In this light, the government must facilitate the realization of the UHC Law by fully funding universal health care.<sup>34</sup>

*c) Invest in human and physical resources to improve the quality of public health care system that is accessible to all*

The Philippine government should refocus its infrastructure priority on needed health



infrastructure systems. It should invest in human and physical resources to improve the quality of public health care system that is accessible to all. Health care infrastructure should be a priority in the government of Marcos, Jr. and it is important that his infrastructure priority program include the construction, upgrading, and modernization of our health facilities. A more equitable distribution of investments and development priorities in the health sector will also help address current regional discrepancies in health infrastructure systems.

The government must also continue to hire more healthcare professionals such as physicians, nurses, medical technologists, and other healthcare professionals to increase the capacity of the healthcare system. In particular, there should be at least one doctor in every barangay all over the country. The job vacancies at the Department of Health should be filled and there should be more plantilla items created to address the gaping lack of human resources in the department. In this light, the government is encouraged to urgently and fully implement the Philippines' 2020-2040 Human Resources for Health (HRH) Masterplan which "provides policies and strategies for the appropriate generation, recruitment, retraining, regulation, retention, and reassessment of the health workforce based on population health needs". In this regard, the Magna Carta for Public Health Workers must be amended to include and recognize Barangay Health Workers as health workers. The pandemic showed how barangay health workers play important roles as frontlines of the government's efforts to prevent and control the transmission of COVID-19 at the community level.

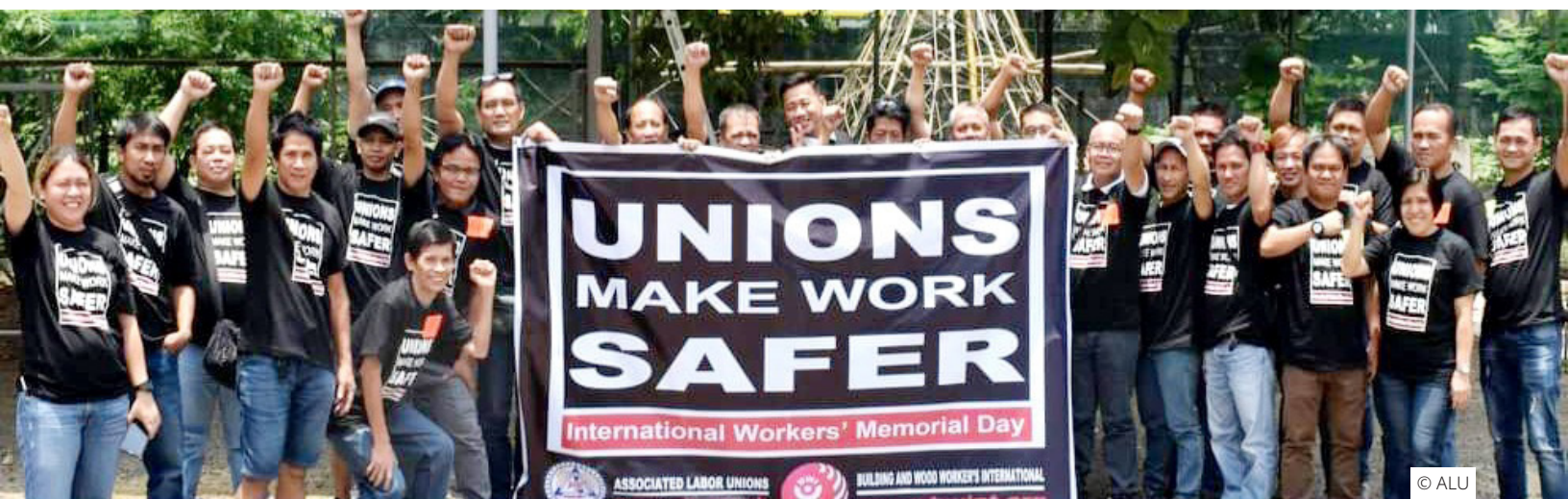
There is also the need to pass the Comprehensive Nursing Law and a bill increasing the public health emergency benefits of healthcare and non-healthcare workers.<sup>35</sup>

#### *d) Expand unemployment insurance*

Importantly, social protection schemes must be reviewed to help workers weather extended periods of joblessness. Even before the COVID-19 pandemic workers find themselves in more frequent bouts of joblessness, but the pandemic radically slowed down economic activities that resulted in massive job losses. The trade unions are calling for the expansion of unemployment insurance so workers can receive higher benefits and receive them for a longer period of time to help them keep 'body and soul together' as they search for new employment. The trade unions propose that the unemployment insurance, equivalent to not less than 80% of the worker's basic pay, be paid over a period of three to six months, and cover laid off workers.

The Social Security Act of 2018 (Republic Act No. 11199) grants eligible workers who have involuntarily lost their jobs, an unemployment benefit, which is equivalent to 50% of the workers' monthly average salary credit and up to a maximum of P10,000, for only two months. Government workers may also receive unemployment benefit from the Government Service Insurance System (GSIS) for two months up to six months depending on number of prior contributions.

A bill has been filed in the 19th Congress of the House of Representatives that addresses the proposal of the trade unions.<sup>36</sup>



#### 4.3 Roll out a massive public employment program which includes climate jobs

A job is the best form of social protection, and the government must play a more proactive role in providing social protection by creating more jobs, including climate jobs. While supporting the private sector especially micro, small and medium enterprises (MSMEs) remains important in saving jobs, a more active public employment program is also extremely useful for economic recovery. The massive unemployment problem created by the pandemic underscores the important role of the government not just as a facilitator but also as generator of employment, especially during a crisis.

*a) In this regard, the NAGKAISA is urging the government to roll-out a massive public employment program called Unemployment Subsidy and Work Assistance Guarantee (USWAG).*

Jobs to be generated from these programs must now be based on an active agro-industrial, health and climate policies aimed at addressing the new imperatives in the healthcare, food security, education, housing, and climate crisis, among others. USWAG should be guided by a clear five-year Philippine Employment and Industrial Plan (PEIP) that is aligned with the Philippine National Physical Framework Plan 2016-2045, and related 2030 targets in SDGs. USWAG is envisioned to include:

- Income guarantees, equivalent to the prevailing minimum wage or PhP10,000 per month, whichever is higher, to be given for at least three months for those unable to work due to lockdown conditions.
- Wage subsidies equivalent to 75% of the prevailing minimum wage and to be given for at most six months to save jobs of workers in MSMEs.
- Employment guarantees for those who are unemployed, ranging from 100 days to nine months.
- Trainings for strategic employment facilitation, with stipend of not less than 50% of minimum wages.
- Expansion of the public sector to take on social tasks such as

upgrading the public health system, developing renewable energy and carrying out mitigation and adaptation measures to climate change (climate jobs).<sup>37</sup>

*b) Meanwhile, there is a need to enhance the DOLE's Tulong Panghanapbuhay sa Ating Disadvantaged/Displaced Workers (TUPAD) by increasing the number of workdays and by not limiting jobs to temporary and non-quality jobs such as cleaning, maintenance and repairs, improvement or rehabilitation of existing infrastructure and other forms of manual labour as it is currently conceived and ensuring social protection for workers engaged under TUPAD.*

It is also important to ensure that the implementation of USWAG and TUPAD is depolitized. The latter has been normally used a tool for political patronage. Instead, trade unions should be involved in providing access to and in the implementation and monitoring of the program.

#### 4.4 Strengthen occupational safety and health in workplaces both in the private and in the public sector

ILO Convention 187 (Promotional Framework for Occupational Safety and Health Convention) is the latest ILO Convention ratified by the Philippines on 17 June 2019. The COVID-19 pandemic has highlighted the critical role of occupational safety and health standards in workplaces. Thus, the 2022 International Labour Conference added OSH among the fundamental principles and rights at work.

*a) Revive and continue the deputization of trade unions as OSH inspectors.*

In May 2017, Labor Secretary Silvestre Bello III issued Administrative Order No. 164 which aimed at deputizing members of labour groups, among other organizations, to participate in the labour law compliance assessment activities, after they have completed a mandatory training program. The training started in June 2017 and some trade unionists completed the training. However, this initiative was not sustained.





*b) Make Occupational Safety and Health (OSH) Committees in all workplaces, including in the public sector, fully functional.*

This requires worker representation in workplace OSH Committees and the conduct of OSH training for workers. Public sector unions in particular believe that there should be regular positions specific for personnel in charge of OSH and disaster-risk management functions at the workplace. They also call for mandatory OSH Committees to be established in LGUs, and that further studies be done on OSH issues in the public sector, as a whole.

*c) For the public sector unions, enact a law or regulation similar to Republic Act No. 11058 which recognizes workers' right to refuse work "without threat of reprisal from the employer" in case an imminent danger exists in the workplace that may result in "illness, injury or death".*

This law only covers workers in the private sector. As an initial step, this regulation may be in the form of a resolution issued by the Public Sector Labor Management Council (PSLMC), which can be translated into a law later.

*d) Strengthen the enforcement of the Joint Memorandum Circular No. 1, Series 2020, of the CSC, DOH and DOLE on OSH Standards in the Public Sector.*

While this is a landmark regulation on OSH in the public sector, it lacks teeth as corresponding sanctions and/or penalties for non-compliance and violations are missing.





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## 5 Ensure Quality Public Services (health, education, housing, water, power/energy, transportation)

Privatizing public services does not always bring financial relief to the government. In some cases, privatizing public assets may only provide short-term or “one-time big-time” revenue, but in the long run, may result in deepening indebtedness of the government and greater dependence on the private sector. The case of the privatization of the National Power Corporation (NAPOCOR) beginning in the late 1980s until the early 2000s, which resulted in the government absorbing PhP800 billion worth of debt, highlights how privatization adds to the financial burden of the government.<sup>38</sup>

Privatization also causes displacement of workers from the previous government-owned-and- controlled corporations or through contractualization of workers retained by the privatized corporation. For example, when NAPOCOR was restructured and privatized as a result of the implementation of Republic Act No. 9136 or Electric Power Industry Reform Act of 2001 (EPIRA), around 1,763 employees lost their jobs.<sup>39</sup>

### 5.1 Stop the privatization of healthcare and other public services

The push for the privatization of public services, including healthcare, has been couched in issues of quality of service and efficiency. In most cases, efficiency has been narrowly framed in terms of making services cost-effective, which often involves reducing the number of workers and/

or introducing or increasing fees on services. The latter action effectively excludes those who are not able to pay. The country’s weak public health care system is also a result of decades of privatization. In many countries, privatization has been accompanied by a shrinking public sector and diminishing public services.

Privatization is viewed by many governments as a way to increase efficiency and improve performance in the delivery of public services. However, using the efficiency criterion in the provision of public services is problematic. In the first place, public entities that provide public services, particularly health care, are not created to generate profit but to provide basic services and accessible support to people.

*a) Trade unions, particularly those in the public sector, call for a stop to privatization in all its forms—asset divestiture, corporatization, outsourcing or contracting services to private firms, franchising (i.e., government turnover of certain services to the private sector but still be under some government regulatory procedures and incentives), and public-private partnerships or PPPs (e.g., build-operate-transfer, build-own-operate-transfer, build-rent-own-transfer, build-lease-operate-transfer, build-transfer-operate).*



The privatization of local water districts/utilities and the corporatization of electric cooperatives must be halted. There should also be assessment of the impact of privatization on workers and public services.

*b) During his first State of the Nation Address, President Marcos Jr. has included among his priority legislative measures the National Government Rightsizing Program (NGRP). Public sector unions condemn the proposed rightsizing of the government.*

This will lead to massive job cuts at a time when we are still reeling from the impacts of the COVID-19 pandemic and economic crisis. Moreover, right-sizing measures adopted by past administrations resulted in the increase in the number of JO and COS workers. Instead of rightsizing, the low and inequitable pay in the public sector must be addressed, the 180,000 vacant positions in government should be filled, and contractual public workers who have been serving for years must be regularized. Laying-off workers and abolishing regular jobs are not ways to achieve “savings on costs” because as the President says the wishes of the people are also the wishes of his administration. Rightsizing is not the wish of government workers, their families, their dependents, and the public reliant on public services. The public sector workers and their unions denounce all plans and intentions of the current leadership at rightsizing government and demand a thorough review of the work performed by JO and COS workers.

## **5.2 Establish the country's own Center for Disease Control (CDC)**

To better prepare us for next pandemic and to enhance on-going efforts to control COVID-19, trade unions propose that the government set up a Philippine Center for Disease Control (CDC). According to infectious disease expert Edsel Salvaña, having a CDC would help “centralize the response to emerging infectious diseases threats and will coordinate the different responding agencies under its umbrella.” Currently, there are various bureaus (i.e., Epidemiology Bureau, Bureau of Quarantine, and Research Institute for Tropical Medicine) in the Department of Health that are separately performing the functions of a CDC.

As early as January 2020, Albay Rep. Joey Salceda filed HB 6096 which seeks the creation of the Center for Disease Control and Prevention (CDCP) which will serve as the principal agency tasked with developing and applying communicable disease control and prevention initiatives. The proposed center will also be responsible for controlling the introduction and spread of infectious diseases. Under Salceda's bill, the Bureau of Quarantine and the Research Institute for Tropical Medicine would be absorbed into the CDC. Like his predecessor, President Marcos, Jr. declared a priority measure the establishment of a CDC during his State of the Nation Address in July 2022.

## **5.3 Implement an inclusive and quality education for all and lifelong learning for the full development of people's capabilities**

### *a) Ensure adequate funding for education*

Ensuring quality education for all requires adequate funding from the government. In 2020, the share of government expenditure on education was 3.9% of the GDP, up from 3.2% in 2019 before the pandemic.<sup>40</sup> This is a welcome development. However, more funding is needed for COVID-19 responsive infrastructure of all the schools, including wash facilities, bigger classrooms, and clinics, especially now that in-face classes have resumed. More spacious classrooms and other school facilities need to be constructed to allow physical distancing among students and school staff. Also, as many schools have adopted a blended or hybrid mode of classes, this requires facilities, resources, and manpower to facilitate digitalization of the educational system and to close the digital divide.

The perennial problem of shortages of classrooms and teachers in public schools in the Philippines needs to be addressed as well. In 2019, there were 47,000 public schools for nearly 23 million students.<sup>41</sup> Currently, there is one classroom for every 45 students.<sup>42</sup> Republic Act No. 7880 (An Act Providing for the Fair and Equitable Allocation of the Department of Education, Culture and Sports' Budget for Capital Outlay) prescribes the standard classroom-student ratio in public schools in the Philippines—one classroom for every 45 students. For this ratio, the law prescribes a classroom size of about 7 meters x 7 meters for schools in the rural areas and 7 meters x 9 meters in suburban areas. The latter size is also the

prescribed standard size for all public secondary schools, regardless of location and class size. Nonetheless, the 1:45 classroom-student ratio is still big. A smaller class size provides students and teachers with an environment that is more conducive to learning. Trade unions enjoin the Department of Education, Commission on Higher Education, and DOLE to issue regulations and policy clarifications on class size, faculty loading or subject preparations, intellectual property rights, face-to-face teaching, and screen time.

The government should shore up resources and speed up its efforts to bridge the digital divide and mitigate the possibility that poor students will not be further left behind especially at these times when technology and interconnectivity have become ever essential tools for continuous learning and skills-building. Here, the provision of (possibly free) high quality WiFi is urgent to support the needs of the education sector, especially during the pandemic. Now, more than ever, it becomes necessary to support skills upgrading of young workers and the unemployed so that they may be able take advantage of emerging jobs in Information and communications technology (ICT) and technology sectors during and after this pandemic.

Trade unions also propose the reskilling and upskilling of workers affected by the pandemic. Upskilling and reskilling of workers has become urgent as the COVID-19 pandemic has accelerated the arrival of the “future of work” as can be seen with the widescale resort to work from home, increasing automation, the growing use of online platforms, and the exponential growth of the gig economy.

Apprenticeship and learnership programs play an important role in the skills development of young workers as they transition from school to work. Nonetheless, these programs should not be abused and misused to perpetuate the non-regularization of workers. Under the law, companies can hire apprentices-trainees, anywhere between six months and two years, at compensation rates that are 25 percent below the minimum wage. However, there are some companies that engage a big number of apprentices instead of hiring new workers. Some companies in the electronics assembly and auto parts industries are heavy users of this scheme.

For example, in one big electronics company with around 20,000 workers, there are 19 apprentices-trainees for every one regular employee.<sup>43</sup>

#### **5.4 Improve teachers' compensation and working conditions both in the public and in the private sector**

Increasing the availability of qualified teachers is also a key factor in ensuring quality education. However, there is a link between teacher competency and pay and working conditions. In this regard, improving teachers' compensation and other benefits, as well as their workload and overall working conditions result in their personal growth and improves their living standards and quality of life.

The Philippines is the second highest in ASEAN in terms of pupil-teacher ratio in primary education. The country's ratio of 29 pupils per teacher in 2017 was higher than the ratios in Brunei (10), Indonesia (17), Lao PDR (22), Malaysia (12), Singapore (15), Thailand (17) and Viet Nam (20). It is only Cambodia that outranked the Philippines at 42 pupils per teacher.<sup>44</sup> In terms of pupil-teacher ratio in secondary education, the country appears to fare better. The country's ratio of 24 (secondary) pupil per teacher in 2017 was higher than the ratios of Brunei (8), Indonesia (15), Lao PDR (18), Malaysia (11) and Singapore (11).<sup>45</sup>

Overworked teachers are among the reasons behind the Philippines' high level of learning poverty. The Philippines ranked at the bottom of the 2022 State of Global Learning Poverty report of the World Bank, with a rate of over 90%.<sup>46</sup> Teachers have been complaining of piling paperwork that hinders their lesson preparation. Thus, it is important to reduce or remove the administrative functions of teachers so they could focus and concentrate on improving students' learning. Moreover, the government should also invest in the professional development of teachers to make sure that teachers are competent with the subject they are teaching.

The Magna Carta for Public School Teachers (Republic Act 8282) was enacted 54 years ago and yet it remains partially implemented to this day. There is a need to amend this law to expand its coverage, shorten teaching hours, strengthen protection for teachers, and improve teachers'



salaries and benefits and conditions of work, including the free nature of health benefits for public school teachers.

There are several bills filed in the 19th Congress that aim at amending and enhancing RA 8282 and introducing a bill on the Magna Carta of Private School Teachers.<sup>47</sup>

### **5.5 Ensure decent work for civilian employees in the military and uniformed government agencies**

Unlike the uniformed personnel who have always been under the good graces of the government, the non-uniformed personnel's (NUP) morale and welfare have repeatedly been overlooked by the State. These employees continue to experience decent work deficits, such as low pay, long-work hours, unsafe working conditions, lack of benefits and social protection and job insecurity.

Trade unions support the assertion that it is high time to address the decent work deficiencies that have been endured by NUPs and to rightfully value the work and dedication to service that their ranks deserve. In this regard, the Magna Carta for All Non-Uniformed Workers in the Military and All Other Uniformed Agencies (HB 383) filed by Rep. Arenas is an important piece of legislation that needs to be passed into a law. The HB seeks to ensure decent work for civilian employees in the military and uniformed agencies.

### **5.6 Reform the public transportation system by implementing and strengthening active transportation system and institutionalizing (proper) service contracting**

#### ***a) Strengthen an active transportation system***

Active transportation consists of human-powered forms of travel, such as walking, cycling, skating, skateboarding, canoeing, and more. Walking and cycling are among the most popular and can be combined with other modes, such as public transit. Active transportation does not only improve people's health but also augments poor public transportation systems and addresses traffic woes. Evidence shows that residents choose active transportation where there is infrastructure for active transportation (e.g., sidewalks, bike lanes)

and where destinations are close together. Active transportation is vital to sustainable, healthy communities.

Promoting active transportation requires safe roads and streets, sidewalks and cycling facilities, and secure bicycle parking, among others. Local governments have a crucial role in designing land use strategies to make active transportation efficient, safe, and pleasant.

At the height of the pandemic, active transportation, particularly cycling, was promoted by constructing bike lanes. However, as restrictions eased, many of the bike lanes have not been maintained. Moreover, cyclists are exposed to accidents as they pedal on the roads. To strengthen active transportation system, the national government and LGUs should develop community land use and transportation plans and policies, as well as design and implement transportation networks and infrastructure on the ground.<sup>48</sup> Local governments also have an important regulatory, planning and engagement role in promoting active transportation opportunities for residents.

#### ***b) Institutionalize proper, fair, and decent service contracting***

In 2018, the government launched the Public Utility Vehicle Modernization Program (PUVMP), or the jeepney modernization program, which aims to bring down harmful vehicular emissions in the Philippines by phasing out units with outdated engines. While the iconic jeepneys running on diesel are not the only sources of air pollution in the Philippines, recent studies show that they do contribute a lot.<sup>49</sup> The cost of modernization is huge for the ordinary jeepney drivers. A new electric jeepney unit costs between Php 1.915 million to Php 2.4 million, an amount that, even with bank loans, is simply unattainable for drivers and operators who don't earn much.

In June 2020, the Move As One Coalition, a coalition of 134 organizations, including the National Confederation of Transport Workers Union (NCTU), which is affiliated to the Sentro ng mga Nagkakaisa at Progresibong Manggagawa (SENTRO), proposed to the government to contract out transportation services of public utility vehicles (PUVs) nationwide to avoid a public transportation crisis and to protect the country's public transport

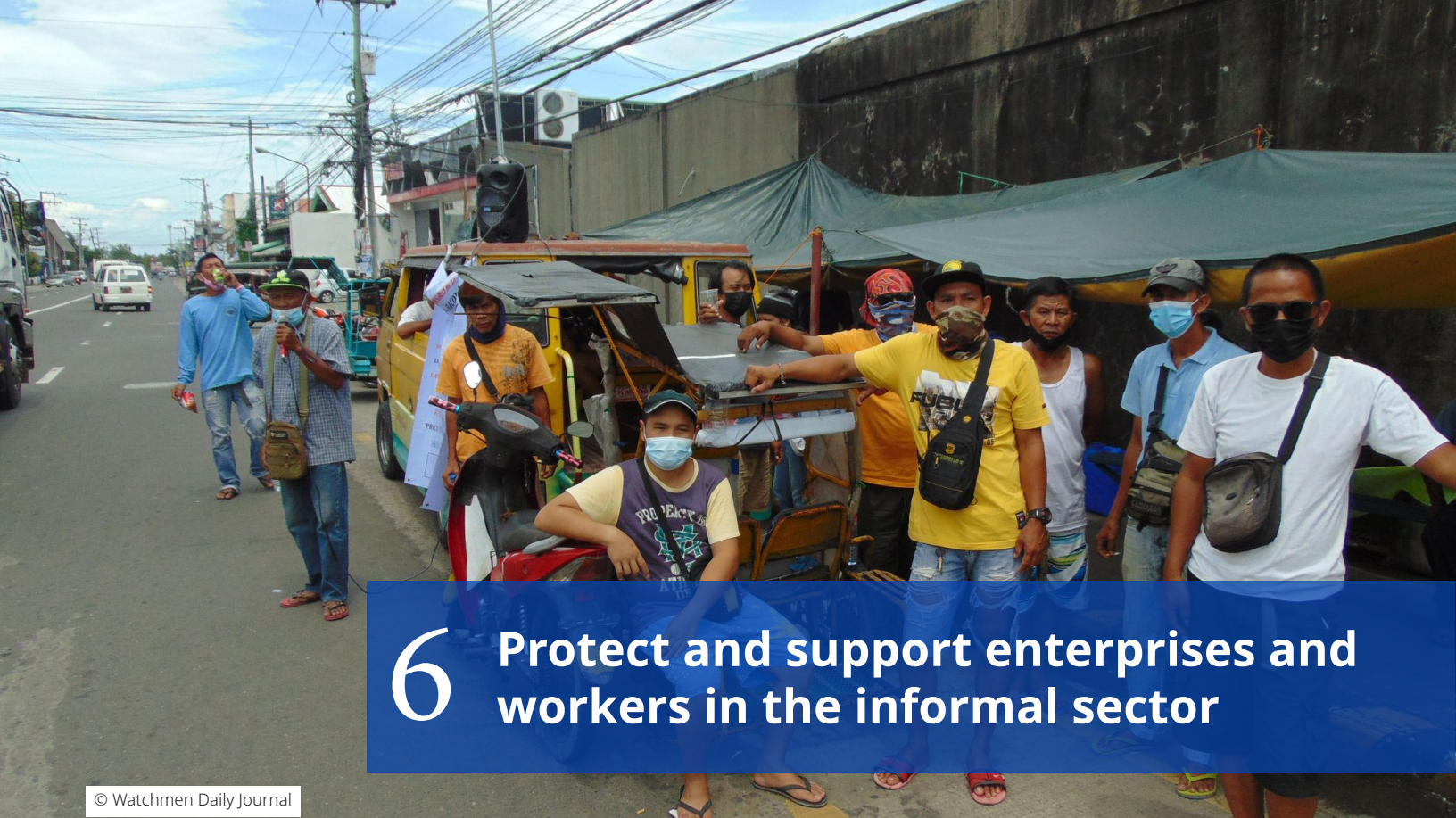
workers in the time of the pandemic. Under the proposed service contracting program, the government pays the operators and drivers a per-kilometer fee to run the routes assigned to them, so the income of transport workers is independent of the number of passengers they have. Thus, the program effectively guarantees the job security of 2.7 million land transport workers, while also ensuring the safety of 8 million commuters in Metro Manila.

The Department of Transportation adopted the service contracting program proposed by the Move As One Coalition, albeit on a limited scale. Moreover, transportation operators and drivers who participated in the scheme have been complaining over the delay in the payment of their services. Thus, the trade unions propose the following:

- Institutionalize and expand the service contracting program of the public transportation system.
- Increase the number of buses in the carousel system and expand the coverage areas to include the immediate contiguous zone.
- Ensure an immediate services payment, and directly pay the salaries of drivers and conductors to avoid delays in payment.
- Give priority of employment and support to all drivers who will be affected by PUVMP.
- Provide government subsidy in modernizing the iconic jeepneys, and provide support to small operators and enterprises, and avoid corporatization of modern jeepney fleets.
- Extend the phasing-out period of the iconic jeepneys.







## 6 Protect and support enterprises and workers in the informal sector

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### 6.1 Accelerate the transition of workers and operators in the informal sector, including in BARMM, in the context of ILO Recommendation 204

The pandemic highlighted the need for the immediate passage of the Magna Carta of Workers in the Informal Economy (MACWIE). MACWIE seeks to establish a database of workers in the informal economy in local government units up to the national level. This database will be useful in identifying micro and small enterprises and self-employed workers. The database will also help identify and locate beneficiaries of the government's direct cash transfers (e.g., social amelioration program) during pandemics.

The MACWIE has been refiled in the House of Representatives as the Workers in the Informal Economy (WIE) bill. The ILO Recommendation 204 on transitioning from the informal to the formal economy provides the framework for the WIE which distinguishes formalization of the various sectors of the informal economy—informal economy workers in the informal sector, informal economy workers in the formal sector, informal economy workers in the public sector, and the undeclared/unregistered workers.

While there have been policy gains for workers in the informal economy in the Philippines (e.g., incorporating social protection in the modified Philippine Development Plan, coverage of micro and small enterprises in the Occupational Safety and Health Standards Act of 2018, recognition of the economic contributions of the informal sector) since the adoption by the International Labour Conference of Recommendation No. 204, transitioning from the informal to the formal economy can be facilitated at the national level with the enactment into law of a bill that facilitates formalization.

It is important to emphasize that the informal sector is not a homogenous sector. The informal sector has two components—informal enterprises and informal workers. In the formalization of enterprises, five thematic clusters which need to be addressed have been identified. They include the following: (i) business entry reform, incentives, taxation and property titling; (ii) social security (OSH, SSS, security of and at workplaces); (iii) access to market and public procurement; (iv) access to inclusive finance coverage and access to credit; and (v) access to trainings and transfer of technology. In light of this, the Alliance of Workers in the Informal Economy/Sector (ALLWIES) and the Workers in the Informal Sector Council of the

National Anti-Poverty Commission (NAPC) are calling for the following:

- Pass a separate bill called Informal Sector Formalization Act (ISFA) which incorporates the five thematic clusters identified.
- Address statistical invisibility of workers in the informal economy (WIE) by clarifying the definitions of informal economy and informal employment. The Philippines Statistical Authority must invest in surveying the sector.
- Mainstream the ILO Recommendation 204 principles into legislations involving the informal economy (e.g., Magna Carta for Workers in the Informal Economy)
- Ensure WIE representation in policy-making, programming, and monitoring bodies on WIE matters, such as the IECD and WIELDO/ WIELDU described in the MACWIE versions of Sen. Angara and Sen. Grace Poe.

In the BARMM region, Member of Parliament Sema introduced a bill on the Bangsamoro Magna Carta for Workers in the Informal Economy (BMCWIE). The bill aims to protect the rights and grants benefits to workers of the informal economy to afford them decent work (which includes having adequate earning and productive work, reasonable working time, equal opportunity and treatment, safe working environment, access to social protection, and representation in policy-making and consultation), stability and security of and in the workplace, and right to education, lifelong learning and skills development. The bill includes the rights and benefits of Bangsamoro workers in the informal economy, such as right to living wage and equal remuneration without discrimination, right to basic services, right to rest and leisure, maternity and paternity benefits, equal access to education and training, self-organization, adequate food, clothing, shelter and standard of living, right to social protection, participation in decision making-process and social dialogue, and right to access to justice for redress of grievances including alternative dispute resolution. Workers in the informal economy shall also have preferential rights by the government in terms of infrastructure

support, transport of produce, protection of local products, access to financial services, protection from unjust dislocation from places where they conduct business activities and that the policy of 'relocation before demolition' is observed.

## **6.2 Promote and support the development of social and solidarity economy enterprises (SSEs), including green SSEs**

According to the ILO, the Social and Solidarity Economy (SSE) encompasses economic units with a social or public purpose, engaged in productive activities and/or enterprise undertakings and aspiring for economic viability, based on the principles of voluntary cooperation and mutual aid, democratic and participatory governance, autonomy and independence, and the primacy of people and purpose over capital in the distribution of the annual and accumulated surpluses. SSE units may include, according to national circumstances, cooperatives, associations, mutual societies, social enterprises, self-help groups and other units operating in accordance with the values and principles of the SSE in the formal and the informal economies.

The government and the social partners play a key role in the promotion of SSEs. The government, in consultation with the social partners, and through dialogue that is inclusive of organizations representing the units and workers of the SSE, should:

*(a) establish a conducive environment consistent with the nature and diversity of the SSE, as a critical component of a conducive environment for sustainable enterprises more generally;*

*(b) ensure a level playing field among all enterprises, by treating SSE units in accordance with national law and practice and on terms no less favorable than those accorded to other forms of enterprise;*

*(c) enact policies that foster the creation of quality jobs for all, including in the SSE, to underpin a robust, inclusive, sustainable and resilient economic recovery, in line with fundamental principles and rights at work, other human rights and relevant International Labour standards;*



*(d) recognize the role of the SSE and integrate it into national development, recovery and employment plans, through pro-employment, macroeconomic, tax, social, environmental and other policies for promoting just digital and environmental transitions and reducing inequalities;*

*(e) recognize the role of the SSE in the transition from the informal to the formal economy, and support the transition to the formal economy for all workers and units, including those in the SSE;*

*(f) further the contribution of the SSE to decent work in national and global supply chains, including through the development of cooperative-to-cooperative trade;*

*(g) strengthen the interaction between the SSE and public administration at all levels, including local and regional, and set up appropriate public-private partnerships with the SSE;*

*(h) introduce support measures for SSE units, where appropriate, to enable their access to information, finance, markets, technology, infrastructure and well-regulated and socially responsible public procurement;*

*(i) ensure that measures to promote the SSE foster social innovation, initiative, entrepreneurship and collaboration while preserving and promoting the traditions and cultures of indigenous and tribal peoples;*

*(j) take measures to promote anti-corruption and good governance, facilitate registration, and simplify administrative procedures for the development of SSE units and other enterprises;*

*(k) establish a mechanism for inter-ministerial collaboration and coordination of SSE-related policies within and across national structures;*

*(l) promote collaboration among labour inspectors, local governments, social partners and SSE representatives to devise*

*solutions concerning pseudo-SSE units, unlawful practices and rights violations;*

*(m) integrate the SSE into public education at all levels and invest in the education and training of workers and units in the SSE, including on financial literacy, to improve their resilience and effectiveness;*

*(n) improve statistics on the SSE, including through collaboration between national statistical institutes and SSE representatives, to inform the formulation and implementation of policies;*

*(o) create a developmental and/or regulatory body dedicated to SSE and the formalization of economic units and workers; and*

*(p) ensure representation of SSEs in tripartite bodies and other policy-making bodies.<sup>50</sup>*

### **6.3 Build the capacity of informal enterprises to progressively implement occupational safety and health measures in the context of ILO Convention 187**

Compliance to occupational safety and health (OSH) standards by enterprises especially by the MSMEs require capacity-building and financial support. In the first place, OSH standards should be relevant and consider the enterprises' financial capacities. Cost issues have often been obstacles in discussions with enterprises on the subject of compliance. The situation is the same or worse among informal business units because of the size of the undertaking, the insecurity of their market, and punitive regulations and therefore, financial support programs must be available and can be tapped if possible.

ALLWIES proposes to amend the OSH Law in terms of its treatment of informal sector enterprises. Rather than adopting a punitive approach, OSH compliance in the informal sector must follow a developmental approach that cultivates a safety and health culture not only in dealing with occupational hazards but also with infectious diseases. Local government units must also designate safe and secure workplaces for informal enterprises.

## 6.4 Strengthen social protection policies and measures for workers in the informal sector and the working poor, with distinction between contributory and non-contributory programs

A first step towards strengthening social protection policies for workers in the informal sector is aligning the definitions and categories of membership of the various social insurance agencies, particularly the Social Security System (SSS) and PhilHealth. The ALLWIES calls for the removal of the voluntary member category and retention of the self-employed category.

*a) Institute measures providing for government's counterpart in the social security contributions of voluntary members from the informal sector and the working poor*

To ensure affordability of social insurance contributions (i.e., SSS, PhilHealth, HDMF, etc.) for

workers in the informal sector, the state should assume the counterpart employer's contribution (at least 50%) in the form of a state subsidy. To enhance the social protection of the self-employed working poor and near poor, a program providing for counterpart government contribution (CGC) has been proposed by Ibarra Malonzo, Commissioner of the Social Security Commission.

The proposed CGC ranges from Php 55 to Php 275, which would increase the monthly salary credit by Php 500 to Php 2,500. The table below illustrates the CGC scheme.

The CGC will definitely require huge funding. Malonzo estimates that for one million beneficiaries the total CGC cost ranges between Php 1.98 billion and Php 3.3 billion. For three million beneficiaries, the CGC cost increases between Php 5.94 billion and Php 9.9 billion. The possible sources of funds for the CGC include the following: PCSO and PAGCOR; budgets of various government departments; sin tax (estimated at

Table 1: Proposed counterpart government contribution for social security of working poor and near poor

<b>Monthly salary credit (MSC)</b>	<b>Self-employed contribution (SSS and EC)</b>	<b>Government contribution</b>	<b>Enhanced MSC</b>
<b>P1,000</b>	<b>P120</b>	<b>P220</b>	<b>P3,000</b>
<b>P1,500</b>	<b>P175</b>	<b>P220</b>	<b>P3,500</b>
<b>P2,000</b>	<b>P230</b>	<b>P220</b>	<b>P4,000</b>
<b>P2,500</b>	<b>P285</b>	<b>P220</b>	<b>P4,500</b>
<b>P3,000</b>	<b>P340</b>	<b>P165</b>	<b>P4,500</b>
<b>P3,500</b>	<b>P395</b>	<b>P110</b>	<b>P4,500</b>
<b>P4,000</b>	<b>P450</b>	<b>P55</b>	<b>P4,500</b>

Source: Malonzo, Ibarra (Undated). Enhanced Social Protection for the Working Poor and Near Poor. A program providing for counterpart government contribution for the self-employed. PowerPoint presentation.



Php 30 billion annually); road user tax (estimated at Php 10 billion annually); income of Coco Levy Fund (estimated at Php7 billion annually); IRA of LGUs; and increase in tax collections (estimated at Php 70 billion annually).

The other features of the proposed enhanced social protection program include employees' compensation coverage of the self-employed, 10 contributions a year requirement, a review of entitlement thresholds by NAPC every two years, and coordination and harmonization of the social protection programs of the government through the NEDA Social Development Committee.

The same holds true to PhilHealth contributions. There is a need to review RA 7875 (Philhealth Act) for possible amendment to design a better contribution scheme that will not only ensure the program's affordability but also make WIE value their contributions. Since all informal sector workers are lumped together in the direct contribution category, many informal sector workers have been left out of the UHC Law. One way to address this problem is to implement a customized contribution schedule for informal sector workers by considering their income level in the determination of their contribution rate.

***b) Extend the coverage of the Expanded Maternity Leave Law to other workers in the informal sector***

While the self-employed may avail of benefits under the Expanded Maternity Leave Law, other informal sector workers are not included. The Social Security System (SSS) should find ways to include those informal sector workers that are now excluded, and tailor contributions based on the payment capability of these workers. A bill filed by Sen. Hontiveros called Maternity Benefit for Women in the Informal Economy Act provides for a maternity benefit equivalent to two months of the prevailing minimum wage for pregnant women workers in the informal sector.





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## 7 Achieve Gender Equality and Empower All women and Girls and the LGBTQI+ Community

The ILO Convention 111 (Discrimination, Employment and Occupation) is among the core conventions that the Philippines ratified. The convention states that discrimination includes any distinction, exclusion or preference made on the basis of race, colour, sex, religion, political opinion, national extraction or social origin, which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation. Despite progress made over the years, gender inequality in employment and occupation remains a challenge in the Philippines.

### 7.1 Close the gender pay gap

According to the 2022 Global Gender Gap Report of the World Economic Forum (WEF), the Philippines ranked second among the three countries in East Asia and the Pacific with the highest level of gender parity in 2022. The country's gender parity score of the country is 78.3%, while the scores of New Zealand and Australia are 84.1% and 73.8%, respectively.<sup>51</sup> However, despite progress made towards gender equality in the Philippines, gender inequality remains prevalent, particularly in terms of the persistent gender income gap, job precarity, and workplace discrimination experienced by women. With the country's overall gender gap index of 21.7% in 2022, which is similar to that of last year's, the country fell by two places in the overall ranking among 146 countries, from 17th in 2021 to 19th in 2022. In fact, the 2022 ranking has been the lowest

the Philippines has ever ranked yet since WEF started releasing the report annually in 2006.

In terms of economic participation and opportunity, the gender gap between men and women participating in the labour workforce is still significant, with the share of men 24.5 percentage points higher than women participating in economic activity.<sup>52</sup> This is one of the key factors that contribute to the persistence of gender pay or income gap. In 2022, women's earned income comprises 71% of men's income on average, resulting in a significant pay gap of 29% (i.e., men's income is higher than women's by 29%).

There are a number of factors that contribute to the persistent gender pay gap, such as limited employment opportunities for women, women's educational level, caregiving role, lower and unequal pay, violence and harassment in the world of work, gender-based technology and digital divide, and limited voice and representation. Women continue to be overrepresented in the informal sector, and in informal employment or precarious jobs in the formal sector. These gaps were further exposed and exacerbated by the COVID-19 pandemic. The pandemic has also reinforced traditional gender roles as women shouldered much of the burden of childcare and online or home-schooling activities.

To close the gender pay gap, the challenges that women face in the world of work must be



addressed through a combination of policies and measures. These include providing women better employment opportunities (e.g., affirmative employment policies and practices); implementing a policy of “equal pay for work of equal value”; upgrading women’s educational level and qualifications (e.g., ILO-Philippines’ Women in STEM Workforce Readiness and Development Programme); equally distributing caregiving role between women and men (e.g., expanded paternity leave for care giving; incentivizing care giving); providing free, accessible, and quality public services (e.g., health care, education, housing, transportation system, water and power facilities) that ease care work performed by women and LGBTQIA+ persons; eliminating violence and harassment within and beyond the workplace; providing training opportunities and infrastructure for women to enhance their digital skills; and increasing women’s and LGBTQIA+ persons’ voice and representation within and beyond the workplace. On the last point, trade unions play a role.<sup>53</sup>

## **7.2 Recognize unpaid care work as work and implement policies that allow greater participation of both men and women in care work**

Care work plays the biggest role in affecting women’s employment opportunities and quality of jobs. However, unpaid care work, which is performed mostly by women and girls, is not considered as a form of economic or market activity under our current national income accounting system. Rather, it is recognized as non-market work. This is one of the reasons why women’s contribution to economic growth (i.e., gross domestic product) pales in comparison to men.

Unpaid care work is a form of work. It is a purposive activity, which employs both physical and mental skills, and which has economic and social value. It includes activities such as caring for children and the elderly, cleaning, cooking, washing and mending clothes, and fetching water or firewood. Care, whether paid or unpaid, is essential for social reproduction and for the wellbeing of the family and the community. As a “social good”, care work is essential to the development of the intellectual, physical, and emotional capabilities of the care receivers. A study found a strong association between

parental time and child schooling outcomes.<sup>54</sup> As Oxfam emphasizes, “adequate care is essential to reduce vulnerability, poverty and inequality, and addressing heavy and unequal care is a precondition for women’s empowerment.”<sup>55</sup>

The performance of care work involves spending time for various activities within and outside the household. Therefore, the involvement of working time makes unpaid care work, particularly domestic work or housework, as work bearing quantifiable economic value. In the market, labour time determines workers’ wages.

In the Philippines, a study estimates that, in 2012, the weekly average time spent for child and elderly care was 18 hours for men and 30 hours for women.<sup>56</sup> The weekly average time spent on housework related to preparation/cooking of dishes, washing clothes, and cleaning the house, was 16 hours for men and 25 hours for women. In the 2017 Household Care Survey of Oxfam, which involved three countries including the Philippines, it was found that women spent 4.5 to 6.5 hours a day on care as a primary activity (e.g., domestic work), and when supervision of dependents (i.e., children and elderly) and secondary activities are included, women’s average hours of care work increase to 11 to 12 hours per day.<sup>57</sup> Domestic work takes up two-thirds (66%) of the time spent for all care work, while childcare and elderly care account for 39%. These studies show that women and girls spend a substantial amount of time performing unpaid care work.

A study by Abrigo and Francisco-Abrigo estimated the value of unpaid care work and its contribution to the Philippine economy using data from the National Transfer Accounts and National Time Transfer Accounts in 2015. They found that imputing the value of women’s unpaid care work leads to an increase of the GDP by 18.6%.<sup>58</sup>

To encourage greater participation among women in the labour force, women’s work both at home and in the market need to be recognized. Paid employment outside the home increases women’s income to spend for caring needs. At the same time, greater labour force participation among women, specifically of mothers, has important implications on the quality of children’s schooling and health, among others.

In this regard, recognizing and valuing unpaid care work requires:

- Developing policies that promote shared responsibility for care work between men and women is crucial. These policies may include longer paid parental time off from work available equally to male and female parents<sup>59</sup> and flexible working hours.
- Investing in public services, infrastructure, social protection policies and services that facilitate unpaid care and domestic work.
- Legislating a compensatory scheme for women who are not in the labour market and who prefer to take care of children and the elderly are also important. An example of a compensatory scheme is HB 668 filed by Rep. Joey Salceda, which grants P2,000 monthly subsidy to stay-at-home mothers without part-time or home-based work.

### 7.3 Ratify ILO Convention 190

The trade unions are pushing for the ratification of ILO Convention No. 190 (Violence and Harassment Convention, 2019). Convention 190 is a landmark instrument as it is the first International Labour Standard to address violence and harassment in the world of work. According to the ILO, the Convention affirms that everyone has the right to a world of work free from violence and harassment. It includes the first international definition of violence and harassment, including gender-based violence, in the world of work: “behaviours, practices or threats that aim at, result in, or are likely to result in physical, psychological, sexual or economic harm.” In addition, the Convention defines “gender-based violence and harassment” as “violence and harassment directed at persons because of their sex or gender or affecting persons of a particular sex or gender disproportionately and includes sexual harassment.”<sup>60</sup>

The ratification of ILO Convention 190 will strengthen the implementation of existing laws and regulations (e.g., Anti-Sexual Harassment Act of 1995, Anti-Violence Against Women and Their Children Act of 2004, and Safe Spaces Act of 2019) and facilitate the passage of new laws on the



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prevention of gender-based violence, including violence against women and LGBTQIA+ labour leaders.<sup>61</sup>

**7.4** Continuously strengthen legal frameworks and policies that are aimed at ending violence against women and girls and combat attempts to roll back gains

While there are already policies and laws to end gender-based violence, trade unions are calling for continuing and unrelenting efforts aimed at fully implementing the legal measures already in place in order to maximize the gains and restrain attacks to roll back its positive impacts.

It is important that the Magna Carta of Women (Republic Act No. 9710), particularly the establishment of a Violence Against Women's (VAW) Desk in every barangay, be fully implemented to ensure that cases of violence against women are fully addressed. Similarly, the Safe Spaces Act (Republic Act No. 11313) should be fully implemented in order to protect women and girls in all public places, including online platforms. There is also a need to strengthen the implementation of existing laws and regulations on the prevention of gender-based violence, such as the Anti-Sexual Harassment Act of 1995 (Republic Act No. 7877) and Anti-Violence Against Women and Their Children Act of 2004 (Republic Act No. 9262).

The Makabayan bloc filed several bills that aim at ending violence against women and girls: Expanded Anti-Violence Against Women and Children (HB 403), Comprehensive Anti-Rape Law Amendments (HB 401); and the Magna Carta for Health Workers. Sen. Hontiveros filed a Senate resolution on gender-responsive response in times of pandemic. Sen. Robinhood Padilla and Sen. Hontiveros filed a bill that legalizes divorce in the Philippines.

To plug gaps in the regulatory frameworks, there is a need to pass the Victims of Violence Survivors' Assistance Act. Trade unions also recognize that trafficking and prostitution are not work. They are forms of violence against women.

**7.5** Pass the Sexual Orientation, Gender Identity, Gender Expression and Sex Characteristics (SOGIESC) Equality Law, also known as the SOGIESC Equality Act

People who identify themselves as LGBTQI+ also face discrimination, harassment, and violence at work and in the community. Thus, there is a need to support legislative initiatives that address discrimination of LGBTQI+ people.<sup>62</sup>



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## 8 Adopt and Implement a Resilient, Equitable and Sustainable Development Path for Communities by Integrating Climate Change and Peace and Resilience Measures into National Policies, Strategies, and Planning

On 28 July 2022, the UN General Assembly adopted a resolution recognizing the right to a clean, healthy and sustainable environment as a human right.

### 8.1 Integrate green and climate lens in job-rich recovery efforts and support the generation of climate jobs

To date, there are many laws, policies and programs in the Philippines that promote renewable energy and environment protection, such as the Renewable Energy Act of 2008, Climate Change Act of 2009, Decent Work pilot 2009, the 2011-2028 National Climate Change Action Plan (NCCAP) based on the National Framework Strategy on Climate Change, the 2030 Sustainable Development Agenda, and Green Jobs Act of 2016. The Green Jobs Act of 2016

(Republic Act No. 10771) aims to create jobs in industries that produce goods and render services for the benefit of the environment and to ensure the country's sustainable development. The law requires the 20 government agencies comprising the Inter-Agency Committee that will collaborate in the implementation of the Green Jobs Act to ensure that green and decent jobs are not only created but also comply with the ILO and UN's framework of just transition.

Together with environmental and climate justice groups, trade unions and worker organizations are advocating for the promotion and integration of green employment in the government rebuilding programs. Green employment involves the generation of both green jobs and climate jobs.

The trade unions are pushing for the integration of green and climate lens in job-rich recovery efforts and support the generation of climate jobs.<sup>63</sup>

The ILO defines green jobs as “decent jobs that contribute to preserve or restore the environment, they be in traditional sectors such as manufacturing and construction, or in new, emerging green sectors such as renewable energy and energy efficiency.”<sup>64</sup> Green jobs are jobs in: (a) renewable energy; (b) energy efficiency; (c) pollution reduction and removal, greenhouse gas reduction, and recycling and reuse; (d) natural resources conservation; and (e) environmental compliance, education and training, and public awareness. Meanwhile, climate jobs, according to Fortaleza, are green jobs, “but its social function in the context of global warming differ greatly with that of other green jobs. It is because the primary goal of climate jobs is to reverse carbon emissions”<sup>65</sup>. Climate jobs aim to stop climate change. Renewable energy has a higher potential to generate jobs compared to fossil fuels. Using the UNEP/ILO/IOE/ITUC estimates of job per megawatt capacity, Fortaleza stresses that the 66,000MW additional capacity needed in the Philippines until 2040, assuming they all will be supplied by renewable energy, will translate to 187,440 jobs (in biomass) to as high as 726,660 (in solar), compared to only 62,700 to 66,660 jobs when supplied by coal and natural gas.

### 8.2 Involve trade unions and worker organizations in climate change and climate justice policymaking and in developing plans of action



It is important that trade unions and workers' organizations are involved in climate change and climate justice policymaking and in developing plans of action. The fact that green jobs can address the employment crisis makes a Labour Agenda on Recovery Through Green Employment in Rebuilding (LARGER) Program an immediate labour agenda. According to Wilson Fortaleza, the National Green Jobs Human Resource Development (NGJ-HRD) Plan is one platform where LARGER's implementation can find a space. The NGJ-HRD Plan will focus on "the development, enhancement and utilization of labour force, both in the private and public sector, to enable and sustain the transition to a green economy and the generation of green jobs towards more employment and equal opportunities and the promotion of social justice and workers' welfare."<sup>66</sup> LARGER may also be legislated, together with USWAG, for institutionalization and appropriate funding.

### **8.3 Adopt the ILO's framework on just transition and the Just Transition Guidelines**

The ILO Guidelines for a just transition towards environmentally sustainable economies and societies for all (ILO Guidelines) set the basic principles of Just Transition with two fundamental pillars: "having a clear future strategy and a comprehensive policy framework on the one hand, and a meaningful and functioning social dialogue throughout the entire process at all levels."<sup>67</sup> The two pillars underscore that Just Transition is not a welfare program and that decarbonization is a planned transition with clearly defined objectives, processes and outcomes. Nonetheless, there is no single blueprint or series of steps for Just Transition. As the ILO also stresses, Just Transition will vary between and among countries.

Though not a new concept in the labour movement in the Philippines, Just Transition, which addresses the conflict between jobs and environment especially in fossil-fuel industries, is yet to gain a foothold in the country. Moreover, in some cases, environmental groups were supporting unilateral government measures without just transition.

Without just transition, green transformation cannot work. It should be noted that the Philippines was among three countries where the ILO had pilot projects for the implementation

of the ILO Guidelines. ILO's capacity-building project in the country included assessments of the employment and socioeconomic impacts of environmental policies; and intervention models for integrated just transition measures with key role of social partners.

To effectively implement the ILO's Just Transition Guidelines<sup>68</sup>, trade unions are proposing the establishment of a Just Transition Commission with trade union representation. They also call for the repeal of Executive Order 130 and its replacement of a policy that integrates the trade unions' policy initiative on Just Transition on Mining Communities.

### **8.4 Adopt a holistic and inclusive approach in disaster response and risk mitigation**

The destructions brought about by typhoons Rolly and Ulysses in 2020 exposed deficiencies and gaps, particularly in disaster preparedness and communication and information. There is still a need to enhance the capacity of local governments and the coordination and support coming from the national government and its agencies. Thus, a national action on disaster preparedness and risk mitigation is critical. A national action requires coherence in national policies (such as, sustainable production and consumption cannot be achieved with the continued operation of coal-powered plants and diesel power plants), robust local government participation, and effective communication. It should also ensure that there are sufficient regular positions for government workers engaged in disaster risk reduction and management.

Incoherence in national policies was laid bare in the reactive response of the national government to review permits issued to quarrying activities around the slopes of the Mayon Volcano after muddy waters flooded and big boulders rammed through communities around the slopes of the volcano as a result of typhoon Rolly.

Trade unions and civil society organizations propose a holistic and inclusive approach in disaster response and mitigation as climate issue is the concern of all, particularly the vulnerable sectors (the 14 basic sectors of NAPC) which are affected most by disasters. There is a need to involve the vulnerable groups, as well as enhance their capacity, in the design, implementation and

monitoring of disaster risk reduction strategies at all levels. A first step would be their involvement in the design, implementation and monitoring of the Local Climate Change Action Plan (LCCAP). An LCCAP describes a local government's policies, programs and measures to increase the community's resilience (adaptation) to the impacts of climate change and reduce their greenhouse gas emissions (mitigation). While there are laws that allow the participation of basic sectors in climate change mitigation measures, these laws are not being implemented.

The role of civil society organizations and non-government organizations are also important in ensuring the implementation of climate action laws on the ground. For example, the NGO Ecosystems Work for Essential Benefits (ECOWEB) has a project that assists some LGUs to mainstream disaster risk reduction in their local development plans (such as Barangay and/or City Disaster Risk Reduction and Management Plan). ECOWEB also proposes the establishment of local or public corporations which can create long-term economic opportunities in the more vulnerable communities. To complement this recommendation, skills training, through TESDA, should be provided for people in these communities to better prepare them for work and economic activities that will be offered by public local corporations.

**8.5 Advance energy democracy in the country by strengthening public control over the power industry by amending EPIRA law to lower electricity rates, ensure the state's role in planning, power generation and distribution and defend electric cooperatives against any form of corporatization**

Energy democracy stems from the idea that people should have control of the production of their energy. The International Energy Democracy Alliance enumerates the Principles of Energy Democracy, as follows:

*(a) Universal Access and Social Justice. Everybody should be guaranteed access to sufficient and affordable energy. The energy system should prioritize the needs of communities, households and marginalized people.*

*(b) Renewable, Sustainable and Local Energy. Fossil fuel resources must be left in the ground. We want to make the energy mix as renewable as possible and, ultimately, 100% renewable.*

*(c) Public and Social Ownership. New forms of municipal/public ownership and collective private ownership, often in the form of cooperatives, are emerging and have served the public interest. The means of production need to be socialized and democratized.*

*(d) Fair Pay and Creation of Green Jobs. The transition is to be co-driven by workers in order to guarantee that the jobs in the renewable energy sector are created, unionized and fairly paid.<sup>69</sup>*

Trade unions in the Philippines support an initiative coming from the labour and NGO sectors introducing amendments to the Electric Power Industry Reform Act (EPIRA). These amendments include the renationalization of the national grid, development of more distributed energy systems, defend electric cooperatives against any form of corporatization, community ownership of renewable energy facilities, and the manufacture of solar photovoltaic and sodium batteries.

**8.6 Integrate the guiding principles of ILO Recommendation No. 205 (Employment and Decent Work for Peace and Resilience) in all measures taken by the government to generate employment and decent work for the purposes of prevention, recovery, peace and resilience with respect to crisis situations arising from conflicts and disasters**

Section 7 of the Recommendation states that: In taking measures on employment and decent work in response to crisis situations arising from conflicts and disasters, and with a view to prevention, Members should take into account the following:

*(a) the promotion of full, productive, freely chosen employment and decent work which are vital to promoting peace, preventing crises, enabling recovery and building resilience;*



*(b) the need to respect, promote and realize the fundamental principles and rights at work, other human rights and other relevant international labour standards, and to take into account other international instruments and documents, as appropriate and applicable;*

*(c) the importance of good governance and combating corruption and clientelism;*

*(d) the need to respect national laws and policies and use local knowledge, capacity and resources;*

*(e) the nature of the crisis and the extent of its impact on the capacity of governments, including regional and local government, employers' and workers' organizations, and other national and relevant institutions, to provide effective responses, with the necessary international cooperation and assistance, as required;*

*(f) the need to combat discrimination, prejudice and hatred on the basis of race, colour, sex, religion, political opinion, national extraction, social origin, disability, age or sexual orientation or any other grounds;*

*(g) the need to respect, promote and realize equality of opportunity and treatment for women and men without discrimination of any kind;*

*(h) the need to pay special attention to population groups and individuals who*

*have been made particularly vulnerable by the crisis, including, but not limited to, children, young persons, persons belonging to minorities, indigenous and tribal peoples, persons with disabilities, internally displaced persons, migrants, refugees and other persons forcibly displaced across borders;*

*(i) the importance of identifying and monitoring any negative and unintended consequences and avoiding harmful spillover effects on individuals, communities, the environment and the economy;*

*(j) the need for a just transition towards an environmentally sustainable economy as a means for sustainable economic growth and social progress;*

*(k) the importance of social dialogue;*

*(l) the importance of national reconciliation, where applicable;*

*(m) the need for international solidarity, burden- and responsibility-sharing and cooperation in accordance with international law; and*

*(n) the need for close coordination and synergies between humanitarian and development assistance, including for the promotion of full, productive, freely chosen employment and decent work and income generation opportunities, avoiding the duplication of efforts and mandates.*







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## 9 Protect the Rights and Ensure the Well-being of Overseas Filipino Workers (OFWs), Including Undocumented Workers

There are ILO Conventions that the Philippines ratified that relate to the protection of overseas workers. These are Convention 29 (Forced Labour Convention), Convention 97 (Migration for Employment, Revised), and Convention 143 (Migrant Workers, Supplementary Provisions). Most of the proposals of trade unions discussed below are aligned with these conventions.

### **9.1 Strengthen and safeguard the rights of migrant workers, especially when countries undertake legislative reviews on areas of labour laws and regulations to (re) balance between the need for promoting employment creation and safeguarding workers' rights**

To better protect our overseas workers, especially those who are most vulnerable to abuse and exploitation (e.g., domestic workers), the trade unions urge the government to forge clear bilateral agreements with all the countries where overseas Filipinos work. They also call for their involvement in crafting new and reviewing existing bilateral agreements. In countries where the rights of OFWs are flagrantly and systematically violated, temporarily putting on hold the deployment of workers to these countries may be resorted to, as done in the past (e.g., Kuwait), until a bilateral agreement with provisions on labour and social protection, where absent, is concluded.

The country's bilateral agreements with destination countries and deployment policies should be aligned with the ILO general principles and operational guidelines for fair recruitment<sup>70</sup>.

The collection by private recruitment agencies of recruitment fees and costs must be outlawed.

For the public sector unions, a good model of a bilateral government-to-government agreement is the one concluded between the Philippines and the Federal Republic of Germany in 2013. The agreement opens the German health care sector to Filipino health care professionals, particularly nurses. It stipulates that the placement of Filipino health care professionals in Germany will be regulated and facilitated only by government agencies namely, the Philippine Overseas Employment Administration (POEA) and the German Federal Employment Agency/ International Placement Agency (Bundesagentur für Arbeit]/Zentrale Auslands und Fachvermittlung or BA/ZAV). A good provision of the agreement is that Filipino health care professionals will be employed in Germany under the same conditions that are accorded to their German counterparts. Under the Triple Win Project of the BA/ZAV, Filipino health care professionals will undergo a thorough selection process and language training for free to better prepare them for their work in Germany.<sup>71</sup>

Another good practice in strengthening the protection of rights of overseas workers is forging a union-to-union bilateral agreement. This agreement involves two parties—a trade union in the country of origin and a trade union in the country of destination—which commit to work together in extending representation and some services (e.g., legal, learning foreign language, access to social protection) to OFWs.



## **9.2 Support and protect displaced and returning overseas Filipino workers as well as those deployed abroad**

Over 300,000 Filipinos working abroad have been repatriated since the start of the COVID-19 pandemic. The one-time financial assistance of US\$200 or PHP10,000 provided by the Department of Labor to repatriated displaced overseas Filipino workers (OFWs) under the AKAP program is clearly not enough.

The hundreds and thousands of OFWs trooping back to the country almost every day in 2020 point to the urgent need to implement a real reintegration program for these workers. In a broader sense, trade unions are pushing for the adoption by the government of a comprehensive program and strategy of full employment. What is immediate though is providing returning and/or displaced OFWs and their families easy access to multiple facilities for loans without interest and payable in five years and enterprise development assistance to complement existing ones as emphasized by the Trade Union Congress of the Philippines (TUCP). Various government departments such as the Department of Migrant Workers (DMW), Department of Trade and Industry (DTI), Technical Education and Skills Development Authority (TESDA), DOLE, Department of Science and Technology, and Department of Agriculture (DA) should coordinate their efforts in providing technical assistance for enterprise development for OFWs. Specific measures include the following: (i) enhance online TVET programs and provide scholarships for OFWs through partnerships with TESDA and other government training institutions; (ii) institute a system of facilitating/referring or endorsing OFW returnees to industries or jobs where their skills and experiences gained abroad will be useful; and (iii) promote social dialogue with stakeholders by reviving the Overseas Land-based Tripartite Consultative Council.

There are several bills filed in the 19th Congress that aim at protecting OFWs.<sup>72</sup>

## **9.3 Fully implement the One Country Team Approach (OCTA) in all destination countries**

Under the 'one country team approach' (OCTA) all officials, representatives, and employees of government posted overseas must act and behave as one team with a mission, under the leadership of the head of the Post, who is either

the Ambassador or the Consul General. Under this 'one country team approach' the Departments of Foreign Affairs (DFA), DOLE, Social Welfare and Development (DSWD), and Health (DOH), as well as the Philippine Overseas Employment Administration (POEA) and Overseas Workers Welfare Administration (OWWA), have drawn up a unified contingency plan that will safeguard overseas Filipinos in case of crises and other imminent danger.

The unified contingency plan is one of the basic features of the Joint Manual developed by the government agencies mentioned. Every Post shall have a contingency plan which it needs to update every six months, or as the need arises. The contingency plan shall answer the need for the evacuation of Filipinos to safety zones for temporary relocation, or until their repatriation to the Philippines. It shall contain, among others, a profile of the country; political and security situation; current political climate, including threats to political stability; data and profile of the Filipino community; area coordinators with contact information; implementation details of the plan; relocation and evacuation centers; exit points and alternate evacuation routes; composition of the Crisis Management and Security Committee (CMSC), including contact information of Post's officials and personnel; support network; registration system; resource inventory; and budget requirements.<sup>73</sup>

The Crisis Management and Security Committee (CMSC) is headed by the Ambassador or Consul General, or next highest ranking officer; and the Labour Attaché, Assistant Labour Attaché, Welfare Officer, SWATT/SSA, Police Attaché, Military Attaché, Political Officers and the Assistance to National Unit (ATNU) Head, as members. The CMSC, in times of emergencies, shall be augmented by a Rapid Response Team (RRT) from the Philippines which shall be composed of officers from the DFA, Philippine National Police, Department of National Defense, DOLE, POEA, OWWA, DOH, and DSWD.

The CMSC's and RRT's roles and functions are to update and maintain a masterlist or database of all Filipino nationals in the host country; gather intelligence and provide ground-based, independent, and credible assessment of the political and security situation in the host country; assist in the updating and implementation of

evacuation plans for Filipino nationals; assist in the negotiations with employers and recruitment agencies for the release of OFWs; and assist the Post in locating Filipino nationals and relocating them to safer and more secure area. The importance of the OCTA cannot be overemphasized. However, the implementation of OCTA varies among the destination countries. Therefore, trade unions insist that the OCTA should be fully implemented in all OFW destination countries.

#### **9.4 Adopt a deployment cap of healthcare workers and other measures to maintain the smooth functioning of our healthcare system especially during a health crisis**

In September 2022, the Department of Health reported a shortage gap of 106,000 nurses both in public and private facilities and hospitals. The migration and resignation of healthcare workers is among the reasons for the shortage of nurses in the country. At the height of the pandemic in 2021, various hospitals had been hit by resignations, aggravating a shortage of manpower and exposing once more the plight of health workers in the Philippines. The high nurse-to-patient ratio and low wages were among the common reasons for Filipino nurses to seek work in other countries. An entry-level nurse working in a public hospital starts with a monthly salary of about PhP33,575, while those working in private hospitals may start with as little as PhP8,000.

In light of this, the DOH announced in September 2022 that it wanted to maintain the 7,500 yearly deployment cap of healthcare workers. The trade unions nonetheless stress that for a deployment cap to work better and more effectively, the government should take into account the following:

*a) The issues of healthcare workers must be addressed. The proposals of trade unions in Agenda 4.2 are ways to address their issues.*

*b) The deployment cap should be based on the number of graduates.*

*c) Graduates of state and local government universities and colleges should serve in public hospitals and health facilities for at least three years before they can work abroad.*

Countries of destination should also compensate healthcare worker-sending countries like the Philippines as the deployment of these workers is putting pressure on the healthcare system of the latter.





# 10

## Adopt and Implement a Sustainable Industrial Policy that Combines Economic Upgrading and Social Upgrading

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An industrial policy is “any type of intervention or government policy that attempts to improve the business environment or to alter the structure of economic activity toward sectors, technologies or tasks that are expected to offer better prospects for economic growth or societal welfare than would occur in the absence of such intervention.”<sup>74</sup> An industrial policy has two complementary components—horizontal industrial policy and vertical industrial policy. Horizontal industrial policy involves investing in the general improvement of the educational system, infrastructure, and research. Vertical industrial policy includes measures that support certain regions, sectors or certain tasks in global value chains, and create new comparative advantages.

An industrial policy is needed because markets especially fail in three areas: in the field of labour, in the field of financial markets and in the field of nature.<sup>75</sup> Moreover, the market mechanism reproduces underdevelopment, making it extremely difficult for less developed countries to catch up with the development level of developed countries. The dominant neoliberal development paradigm is unsustainable. The world is facing crises in three fronts: economic, social, and environmental. The COVID-19 pandemic has exposed the fragilities of a market-driven development path and its debilitating effects on people, the economy, and environment.

For an industrial policy to be sustainable, “it must create a healthy economy and quality employment (decent, secure work that pays a living wage) while minimizing negative environmental impact and advancing the interests of society as a whole”.<sup>76</sup> This means that a good and sustainable industrial policy should aim both at economic upgrading and social upgrading. Economic upgrading means sustainable increases in productivity, higher productivity, higher skills, better technology, increasing innovative power, and ecological sustainability and just transition. Social upgrading includes increasing living standards (higher real wages and/or shorter working time), low rate of inequality, low unemployment, gender equality, and other social indicators (i.e., ILO core labour standards, decent work agenda). There is interdependence between economic and social upgrading. For example, lack of economic upgrading prevents long-term increases in real wages and improvements in living standards. Lack of social upgrading results in the lack of demand and growth, reduced productivity increases, and weak business climate.

Several general instruments that belong to basic government actions and policies, such as tax incentives and subsidies, focused public education, and selected infrastructure investment can be used for industrial policy.

The most important industrial policy instruments that address market failures in several areas include the following, among others:<sup>77</sup>

Ecological problems: Ecological taxes (for example, a tax on carbon dioxide emissions) and certificate trading, prohibition and orders, public provision of public goods, focused government innovation policy and focused research and emulation, and development banks (focused and long-term subsidized credits).

- Foreign direct investments: Integrated foreign direct investment in cluster policy with forward and backward linkages, enforcement of local content, demanding transfer of research and certain tasks, demanding transfer of skills and training, enforcement of joint ventures, demand certain quota of domestic citizens in workforce, allowing foreign direct investment only for some regions, and allow foreign direct investment only for certain sectors.
- Demand stimulation. Competitive exchange rate, long-term financing for low interest rates, long-term oriented public investment, long-term oriented public procurement, and policies that prevent high inequality to stimulate demand.
- Social upgrading: Industrial policy instruments include minimum wages, sector-based wage bargaining, social dialogue, social protection, and policies that prevent high inequality (tax policy, public transfers, poverty reduction, public goods).

In the present global economic environment characterized by asymmetries in power relationships, including asymmetries in global value chains, and uneven level of development between the developed countries and the less developed countries, sustainable industrial policy is even more important. Thus, trade unions propose the adoption and implementation of a sustainable industrial policy that combines economic upgrading and social upgrading.

### **10.1 Establish a high level commission with trade union participation that is tasked to craft a national industrial policy**

The establishment of a high level commission with permanent trade union participation that is tasked to craft a national industrial policy is the first step in developing a sustainable industrial policy. The commission's first order of business is to revisit and review the comprehensive national industrial strategy (Inclusive Innovation Industrial Strategy or I3S) involving 12 priority industries<sup>78</sup>, and the industry roadmaps, with the aim of ensuring that labour and social dimensions are factored in. There is also a need to strengthen the existing industry tripartite councils and establish industry tripartite councils in critical sectors such as mining, semiconductors, and aerospace. The commission should also initiate a joint review, together with other government agencies including DOLE, of the employment and social impacts of free trade agreements and bilateral investment treaties, and adopt mechanisms to ensure that future trade, investment, and bilateral labour agreements that the Philippines will enter into integrate measures that protect workers' and domestic industries' interests against unbridled liberalization. Corollary, trade unions must have a permanent representation in the One Country, One Voice (OCOV), which is the Department of Trade and Industry's stakeholders' consultative mechanism in trade policy formulation.

The importance of trade union participation in the formulation of trade and investment agreements cannot be overemphasized, especially with regards to rights-based trade arrangements like the US Generalized System of Preferences (US GSP), European Union Generalized System of Preferences Plus (EU GSP+), Canada GSP, etc. For example, the Philippines' enjoyment of EU's GSP+ (i.e., zero duties on exports to the EU of products falling under more than 6,000 tariff lines) is contingent on the promotion and respect of workers' rights and human rights. In light of labour repression, forced disappearances, and killings of labour leaders and labour activists in the country, trade unions, with the support of global union federations and other international labour organizations, made representation and put pressure on the EU so that the European Parliament adopted a resolution on 17 February 2022 that urged the European Commission to



initiate the procedure which could lead to the temporary withdrawal of the Philippines' trade perks under the GSP+ should the Philippines continue to fail to act on human rights abuses. This action followed similar European Parliament resolutions initiated in 2017 and September 2020.

In crafting a sustainable industrial policy, the proposed commission should take into consideration IndustriALL's Action Plan<sup>79</sup>, which includes, among others, the following:

- Promote strong industrial policies that recognize manufacturing as a key engine of growth for national economies.
- Encourage investment in research and development, and training and skills to assure sustainable industrial production and long-term employment prospects.
- Support transfers of skills and technologies to developing countries to accelerate industrialization and the creation of good quality jobs while safeguarding the environment.
- Develop a proactive energy policy which establishes security and sustainability as the foundations of industrial production.
- Support a fair, ambitious and binding global treaty on climate change that takes into account social implications, promotes the creation of green jobs and encompasses the principles of Just Transition, thus ensuring that the transition to low-carbon societies is fair.
- Pursue union participation in all aspects of industrial policy development and implementation.
- Make the voice of industrial workers heard in the global institutions, including the ILO, OECD, WTO, IFIs and G20, to promote sustainable development, social and economic

justice and democratic global governance.

- Insist on trade to be based on the principles of fairness and equity in order to lift living standards by supporting employment growth, improving social protections and providing for fundamental workers' rights, environmental standards, human rights and democracy.
- Take action to ensure that ILO Core Labour Standards are included in all trade agreements and IFI mechanisms.
- Push for regulation of global financial markets that will prevent financial speculation from precipitating another disaster to the real economy and fight against tax havens
- Call for the introduction of an international Financial Transaction Tax system.

## **10.2 Modernize and revitalize the agricultural sector and strengthen its links with industry**

Jobs in agriculture sustain the economy and, at the same time, incur low risks of spreading COVID-19. However, the same jobs are also the lowest paying, compared to other sectors, resulting in agricultural workers being among the poorest in the country. According to the Philippine Statistics Authority (PSA), 31.6% of all farmers and 26.2% of fisherfolk were considered poor in 2018.<sup>80</sup>

In light of this, the following measures are proposed to revitalize and modernize the agricultural sector:

- Appropriate adequate funding and job assurance in the modernization of the sector.
- To increase earnings of agricultural workers, the sector should be assisted to allow its integration into the food value chain and enjoy support extended to agro-

industries. This approach will increase farmers' productivity. It will also help reduce transaction costs that drive a wedge between prices received by farmers and those paid by consumers. One emerging practice that cuts transaction costs involves fair trade agri-marketing systems that connect farmers and consumers using the internet.

- Prioritize local produce for government procurement of food, clothing and uniforms by the Department of Agriculture, Armed Forces of the Philippines, Philippine National Police, government hospitals, jails, etc.
- Develop, sustain, expand and support the sugar, salt other basic goods industries.
- Transforming farmer/fisherfolk collectives into cooperatives, social enterprises, or inclusive business models will enable agricultural workers to take advantage of economies of scale in terms of lower freight and marketing costs, but to set up collective fair trade enterprises require support from the government in the form of start-up capital. Each fair trade enterprise, involving three to five barangays, will need a grant of anywhere from Php250,000 to Php500,000 pesos each and will require an estimated Php1.6 billion pesos to put up across the country.
- The government must refocus its priority on needed infrastructure systems for recovery. Infrastructure in support of agro-industrial activities is needed. The estimated cost to construct or improve existing farm to market roads, warehouses, cold storage facilities, and container transfer facilities is Php535 billion.
- Come up with a Buy-Filipino products policy or program.

In addition, the trade unions are urging the present government to come up with an industrial and/or agro-industrial policy. This industrial policy should link and integrate manufacturing, agriculture and services, address supply chain gaps by strengthening local industries, and scale up the country's position in global value chains. To support farmers and other workers in the agricultural sector, the Makabayan bloc filed two bills—one bill seeks to provide subsidy for workers in the agricultural sector (HB 406) and the other aims to repeal the Rice Tariffication Law (HB 404).

### **10.3 Implement and complete a comprehensive and genuine agrarian reform program**

A comprehensive and genuine agrarian reform program is at the core of agricultural modernization. Agricultural revitalization can only succeed if farmers and tenants own the lands they till. In the Philippines, after 34 years of implementation of the Comprehensive Agrarian Reform Program (CARP), many farmers and agricultural workers continue to long for ownership of the land they till. Farmers who are agrarian reform beneficiaries remain poor. Data from the Philippine Statistics Agency reveal that agriculture sector has the highest poverty incidence among the basic sectors of society.

The CARP, which was signed by the late president Corazon Aquino in 1988, was supposed to be completed after 10 years with the distribution of about 8 million hectares of land. While a total of 898,420 landless tenants and farmers became recipients of land titles and support services during the 10-year period, only 22.5% of the target land was distributed in six years.<sup>81</sup> The administration of former president Fidel Ramos was able to distribute 4.7 million hectares of land, or 60% of the target. In December 2008, the budget for the program expired with about 1.2 million hectares of agricultural land waiting to be distributed to farmers. To continue the distribution of lands to farmers, the Comprehensive Agrarian Reform Program Extension with Reforms (CARPER) was passed into law on 7 August 2009, by former president Gloria Macapagal Arroyo and was set to expire on 30 June 2014. The program, however, continued even after June 2014 because that law states that it can be allowed "to proceed to its finality and be executed even beyond such date". In 2021,



the administration of President Rodrigo Duterte claimed that it was able to distribute a total of 516,000 hectares to 405,800 farmers nationwide.

The Department of Agrarian Reform claimed that as of 2021, there were already 2.486 million agrarian reform beneficiaries since 1972, of which 166,127 were from 2016, while 1.3 million, or 53%, are now living in 2,234 agrarian reform communities.<sup>82</sup>

Farmers' and peasant organizations consider the government's agrarian reform program as expensive and cumbersome. It failed to address structural problems of rural inequality. One of the main issues is that the land given to farmers was not free; farmer-beneficiaries had to amortize the loan used to buy the land to the Land Bank of the Philippines. However, each beneficiary is only entitled to a 1.2-hectare piece of land which is considered too small to generate enough income to pay the land amortization. Moreover, landlords continue to resist the land reform program.

In light of this, trade unions and workers' organizations in the agricultural sector and farmers' organizations urge the government to implement a genuine agrarian reform program that includes the following, among others:

- a) Free land distribution to beneficiaries.*
- b) Condonation of loans of agrarian reform beneficiaries.*
- c) Government subsidy for agricultural inputs.*
- d) Access to capital (for farm machinery, equipment, etc.) to make the land productive.*
- e) Provision of support services to beneficiaries and farmers.*

#### **10.4 Strengthen the chemicals and pharmaceuticals industry**

To support the country's health systems, strengthening the chemicals and pharmaceuticals industry should be part of the industrial policy of the government. This industry should be seen as a strategic sector in the long term as it provides the necessary inputs in health care and medicine,

including the local development of vaccines. It should be noted that COVID-19 will not likely be the last pandemic.

#### **10.5 Develop a comprehensive mining strategy in light of the shift towards renewable and green energy**

In terms of energy security, the worldwide trend involves the shift towards renewable and green energy, thereby impacting the mining industry. The Philippines has a lot of potential, where nickel, cobalt, gold, copper, and others, can be exploited as intermediate materials to a wide range of renewable energy products. The mining industry is linked to numerous sectors such as electronics, batteries, and chip-making, among others. However, if the social costs of mining outweigh the economic gains, this will be detrimental to our country's advantage. Hence, a comprehensive mining strategic development plan needs to be developed with the participation of trade unions in the mining sector and other key stakeholders. Towards this end, the Mining Industry Tripartite Council needs to be created and immediately convened.

#### **10.6 Link the government's infrastructure program with a comprehensive development plan**

The Duterte government's "Build, Build, Build" (BBB) program helped create jobs through the program's flagship projects in information and communications technology, transport and mobility, water resources, and power and energy. However, building bridges and skyways linking the National Capital Region (NCR), Region 3 and Region 4A without a nationwide railway system designed to disperse economic activity to other regional and provincial agro-industrial hubs, will only bring the country to a repeated cycle of congestion and construction. Trade unions stress that infrastructure development must be linked to a comprehensive economic development plan that takes into account the impact on workers and their families and communities. Infrastructure projects should also consider the trade unions' proposal on reforming the public transportation system (Agenda point 5.6).

The Trade Union Congress of the Philippines (TUCP) provides an example of how an infrastructure program can be linked to a

comprehensive economic development plan and the creation of additional jobs. The construction of a nationwide railway system with secondary roads connecting regional and provincial agro-industrial hubs will create massive jobs. When it is completed the railway system will further create more jobs in the regions and in the provinces, address uneven economic development and provide a clear rationale for regionalized investment incentives. Furthermore, the woes of transporting farm products will be eased, the country's needs for food security will be alleviated, and there will be less reliance on imports. All these will spur growth and employment in the agriculture-fishery sector.

### **10.7 Provide financial and technical support to micro, small and medium enterprises (MSMEs)**

Most business establishments in the Philippines are micro, small, and medium enterprises (MSMEs).<sup>83</sup> In 2018, of the 1,003,111 business establishments, 998,342 (99.52%) were MSMEs, according to the 2018 List of Establishments of the PSA. Micro enterprises constitute 88.45% (887,272) of total MSME establishments, followed by small enterprises at 10.58% (106,175), and medium enterprises at 0.49% (4,895). Most jobs in the country are generated

by the MSMEs. According to PSA, these enterprises created a total of 5,714,262 jobs or 63.19% of the country's total employment in 2018.<sup>84</sup>

The pandemic and the lockdowns shuttered many MSMEs. According to the Department of Trade and Industry, as of 29 April 2020, more than half (52.66%) of the country's MSMEs had to stop their operations due to the pandemic. It is highly likely that the majority of these enterprises totally closed down.

To help revive MSMEs and keep them afloat, trade unions, particularly the NAGKAISA Labor Coalition's SOLAR propose the following measures among others:

- The government should also provide a one-time "bridging help" grant through a direct payment of up to PhP500,000 to MSMEs, depending on the size of the establishment. This grant should also cover home based workers and

others in the informal economy who are producing masks, gowns, other Personal Protective Equipment (PPEs).

- Capitalization support should be provided to the Small Business Corporation (SBCorp), Land Bank of the Philippines (LBP), and the Development Bank of the Philippines (DBP) so that wholesale banking operations and credit guarantee operations can proceed and continue, provided that LBP and/or DBP may provide pay-when-able or income-contingent soft loans that are subordinated (or junior) to commercial loans.
- Micro and small enterprises that earned an annual gross income of not over PhP500,000 should continue to be exempted from income tax payments.
- Reduce or eliminate value added tax (VAT) on specific goods and services that micro and small enterprises often provide (e.g., household maintenance and repair), for at least six months.
- Loan-forgiveness (principal, interest, and penalties) for MSMEs with existing loans owed to any government entity. Loan-forgiveness may also be set for a certain proportion of the debt.
- Deferral of import taxes for at least six months for MSMEs engaged in the export sector.

These forms of support, including the existing government programs for micro and small enterprises, should likewise be extended to social enterprises organized by trade unions. In the public sector, the government can partner with trade unions in the delivery of support (e.g., rice subsidy) for public sector workers.





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# 11 Tax Wealth of the Super-rich to Fund Universal Social Protection and Economic Recovery

To fund efforts to contain the pandemic and finance economic recovery, several countries around the world have adopted or are planning to adopt a wealth tax. In December 2020, Argentina passed a new tax on its wealthiest people to pay for medical supplies and relief measures amid the ongoing coronavirus pandemic. This one-off levy, dubbed the "millionaire's tax", will affect some 12,000 people whose assets are worth more than 200 million pesos (US\$2.5 million).<sup>85</sup> They will have to pay a progressive rate of up to 3.5% on wealth in Argentina and up to 5.25% on that outside the country. The wealth tax is expected to generate 300 billion Argentine pesos (US\$3.5 billion) which the Argentine government plans to allocate as follows: 20% will go to medical supplies; 20% to relief for small and medium-sized businesses; 20% to scholarships for students; 15% to social development; and the remaining 25% to natural gas ventures. In Spain, the Socialist-led coalition government passed on September 2022 a temporary wealth tax which will tax residents whose assets exceed 3 million euros (USD2.9 million) in 2023 and 2024. Under the new asset tax scheme, people with holdings of 3 to 5 million euros will be taxed 1.7%, and those whose personal worth is 5 to 10 million euros will be taxed at 2.1%. Individuals with fortunes above 10 million euros will be taxed at 3.5%.<sup>86</sup>

Even some of the world's super-rich are calling for higher taxes on their wealth to pay for COVID-19 recovery. For example, "[a] group of 83 of the world's richest people have called on governments to permanently increase taxes on them and other

members of the wealthy elite to help pay for the economic recovery from the COVID-19 crisis."<sup>87</sup>

The labour sector in the Philippines is also calling for tax reform measures that are linked to poverty reduction, so that income tax becomes an instrument to rebalance inequality in the country. The workers' group believes that taxation should be progressive and applied to all citizens – lowest tax for the poor and greatest for the rich.

## 11.1 Support the wealth tax proposed by NAGKAISA and the Third World Network

Therefore, trade unions are proposing a wealth tax on the super-rich to pay for COVID-19 measures and fund social protection programs (e.g., food subsidies for the marginalized sectors) and other government expenditures for health, including the construction of new hospitals and medical facilities and the improvement of current ones. Taxing wealth will also generate the resources needed to fund programs (e.g., labour market programs) that address the drivers of inequality in the labour market. The NAGKAISA estimated that total wealth in 2019—which covers stocks, cash, securities, and deposits—stood at PhP31.66 trillion. Had there been a wealth tax in 2019, even at just 1% per annum, the government would have already been able to generate at least PhP316.55 billion which could have been used to fund the country's anti-COVID-19 response.

Tax on wealth also corrects injustice in the distribution of income. In 2018, the wage share

of GDP which went to labour compensation and other benefits was only 36.9% (PhP6.43 trillion), whereas 63.1% went to capitalists and taxes on production and import.<sup>88</sup>

The NAGKAISA and the Third World Network propose a wealth tax that covers individuals with a net wealth of above PhP300 million. The tax rate ranges from 1.5% to 3% based on seven ranges or ranks of net worth (Table 2).

NAGKAISA explains that rank-based taxes both respect the equal protection clause (it taxes everyone according to the same formula) and the power-law distribution of income and wealth. At the same time, it is easy to compute, and need not be updated as often. Complementary to this proposal is the importance of investing in the tax compliance and enforcement system.

The above wealth tax proposal is the subject of a bill that will be filed at the Senate. Another bill taxing wealth has been filed in the House of Representatives.<sup>89</sup>

Table 2: NAGKAISA and Third World Network wealth tax proposal

			<b>NOT OVER</b>					<b>IN EXCESS OF</b>	
<b>1</b>		0	300,000,000		N/A		0.00%		N/A
<b>2</b>	Over	300,000,000	500,000,000				1.50%	300,000,000	
<b>3</b>	Over	500,000,000	700,000,000	3,000,000	plus	1.75%		500,000,000	
<b>4</b>	Over	700,000,000	1,000,000,000	6,500,000	plus	2.00%		700,000,000	
<b>5</b>	Over	1,000,000,000	1,300,000,000	12,500,000	plus	2.25%		1,000,000,000	
<b>6</b>	Over	1,300,000,000	1,800,000,000	19,250,000	plus	2.50%		1,300,000,000	
<b>7</b>	Over	1,800,000,000	2,500,000,000	31,750,000	plus	2.75%		1,800,000,000	
<b>8</b>	Over	2,500,000,000		51,000,000	plus	<b>3.00%</b>		2,500,000,000	





## 12 Strengthen and Deepen Social Dialogue

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ILO Convention 144 (Tripartite Consultation, International Labour Standards), which the Philippines ratified, enjoins governments to operate procedures which ensure effective consultations, between representatives of the government, of employers and of workers, and that the nature and form of the procedures shall be determined after consultation with the representative organizations. Despite the ratification of this convention, social dialogue remains limited in the Philippines.

### 12.1 Institutionalize labour representation and voice in public institutions and implement meaningful social dialogue

Trade unions call for the promotion and implementation of social dialogue in its many forms at all levels and in all social dialogue mechanisms and structures in the country. According to the ILO, social dialogue includes “all types of negotiation, consultation or simply exchange of information between, or among, representatives of governments, employers and workers, on issues of common interest relating to economic and social policy”.<sup>90</sup> Negotiation often takes the form of collective bargaining at the enterprise, sectoral, regional, national and even multinational level. Consultation involves an exchange of views among parties participating in tripartite or bipartite bodies which may lead to the conclusion of formal agreements. Information sharing is an indispensable element for effective social dialogue and is an essential part of dialogue and decision-making process.

Specifically, the trade unions reiterate their call for the institutionalization of genuine labour representation in all public institutions. Public sector unions also demand the issuance of an executive order that effectively institutionalizes social dialogue in the sector. This is in line with ILO Convention 151 (Labour Relations, Public Service) which the Philippines ratified on 10 October 2017. Over the years, trade unions have been calling for the institutionalization of tripartism in all public institutions such as the Social Security System, Government Service Insurance System, Philippine Health Insurance Corporation, Philippine Overseas Employment Administration, Overseas Workers Welfare Administration, National Wages and Productivity Commission, Regional Tripartite Wage Boards, Legislative Executive Development Advisory Council, Philippine Economic Zone Authority, Civil Service Commission, National Economic and Development Authority, Local Development Councils of local government units, and others. The Philippines has ratified the ILO Convention 144 on Tripartite Consultation (International Labour Standards). Yet, meaningful consultation with the labour sector is yet to materialize. In fact, in the present government, there is no representation of trade unions in nearly all of the tripartite government offices. Trade unions are also calling for the full activation of all tripartite councils. In fact, many of the Industry Tripartite Councils are not meeting regularly. In some industries, tripartite councils are not convened at all, and formation of new tripartite councils such as the Mining Industry Tripartite Council (MITC) is long pending.

In the time of the pandemic, trade unions are also pressing for workers' representation in the IATF and other policy-making bodies outside the DOLE so that workers' issues and demands are reflected in the socio-economic plans and programs of the government, including the implementation of the 2030 Agenda.

While trade unions have had successful engagements with the DOLE in the latter's consultative processes, the same cannot be said with other policy-making bodies of the government, particularly the NEDA, the socio-economic planning department that leads the implementation of the 2030 Agenda and the PDP. Trade unions have always had to demand that their voices be heard in the national planning and assessment processes of NEDA, including the consultation processes involving the 2030 Agenda and the Voluntary National Review (VNR) on the SDGs. The marginalization of workers in the national planning processes runs counter to the SDG adage of "leaving no one behind".

In the BARMM, a bill called the Bangsamoro Tripartism and Social Dialogue Act has been filed at the Bangsamoro Transition Authority. This bill aims to ensure that employers' and workers' organization shall, as far as practicable, be represented in decision, consultative and decisions-making bodies of the Bangsamoro Government. Likewise, it aims to institute mechanisms for sectoral participation in consultations and social dialogue, consistent

with ILO Convention 144 (Tripartite Consultation, International Labour Standards) and RA 10395 on tripartism. Sectoral representation is proposed in the Bangsamoro Tripartite Industrial Peace Council (BTIPC); Social Welfare Bodies, agencies or GOCCs including the Social Security Commission (SSC), Home Development Mutual Fund, Department of Migrant Workers, and NAPC; Bangsamoro Export Zone Authority Board; Bangsamoro Tripartite Wages and Productivity Board; Overseas Bangsamoro Workers; and Overseas Land-based and Sea-based Tripartite Committee (OLSTC).

### **12.2 Institutionalize social dialogue in the civil service including in all its branches, subdivisions, instrumentalities, and agencies**

According to PSLINK, social dialogue mechanisms should be established at the national and at the local and agency levels. Such mechanisms should be regularly convened and participated by public sector unions and management and it shall serve as information-sharing, consultation and negotiation structures on all issues and concerns affecting public services. Social dialogue in the public sector should also ensure the full participation of elected worker representatives in the Public Sector Labor-Management Council (PSLMC)<sup>91</sup>. Therefore, the PSLMC must be amended to include elected worker representatives as PSLMC members with full representation and participative authority.





# 13

## Adopt Policies and Measures Aimed at Protecting Workers in the Digital Economy and Those that Perform Work Remotely Using Digital Tools and Platforms

According to the Organization for Economic Co-operation and Development (OECD), the digital economy “incorporates all economic activity reliant on, or significantly enhanced by the use of digital inputs, including digital technologies, digital infrastructure, digital services and data. It refers to all producers and consumers, including government, that are utilizing these digital inputs in their economic activities”.<sup>92</sup> Digital labour platforms have emerged as a distinctive feature of the digital economy. There are two main types of digital labour platforms: “online web-based platforms, where tasks are performed online and remotely by workers and are allocated to a crowd (on microtask and competitive programming platforms) or to individuals (on freelance and contest-based platforms); and location-based platforms, where tasks are performed at a specified physical location by individuals such as taxi drivers and delivery workers.”<sup>93</sup> The youth comprise a big share of workers who choose to offer their services on digital platforms.

Workers who perform work through digital labour platforms experience income insecurity, work instability, poor working conditions, and intensified labour control via algorithmic management. They lack or have limited access to social protection. Most platform workers cannot exercise their right to self-organization.

Platform companies obscure the employment relationship by categorizing workers as independent contractors, yet they wield unilateral control over all aspects of work. The misclassification of platform workers, particularly those in the ride-hail and food delivery services, as independent contractors deny them enjoyment of legislated labour rights.

Meanwhile, the regulatory response to the operations of platform companies is in flux. In particular, there is an absence of legal frameworks or case law pertaining to the application of employment and labour law on platform workers. However, according to the ILO, there are four approaches in testing the applicability of employment and labour law on platform workers.<sup>94</sup>

- The first approach is to emphasize the practical control that the platform has over the transactions taking place through the platform.
- A second approach is apparent in countries which have an intermediate category between employment and self-employment. An illustrative case is the *Aslam* litigation, a decision of the United Kingdom Court of Appeal, where the majority of the Court held that

while the claimant drivers were not employees, they were “workers”, a category that entitled them to the minimum wage and paid leave.

- A third approach is where courts give weight to the purpose for which employment status is sought in the particular litigation. This means that a platform worker could, at least in principle, be found to be an employee in accident compensation litigation but not in litigation concerning other labour standards (discrepancies between regulatory definitions permit this approach). This creates a de facto intermediate category.
- A fourth approach is to emphasize the ways in which platforms do not exercise control. Courts and tribunals in countries such as Australia have pointed to the fact that platform workers such as drivers have control over “whether, when, and for how long they perform work”; they are “not subject to any formal or operational obligation to perform work”.<sup>95</sup>

In a number of countries, much of the litigation and many of the legislative debates concerning work through digital labour platforms focus on employee status.

The COVID-19 pandemic has resulted in a dramatic shift to remote work in the formal sector. Many companies adopted off-site or work-from-home (WFH) arrangements in various degrees. While WFH arrangements have provided flexibilities for both employers and workers, there are problems that arise from remote working, such as intense employer surveillance that compromises the privacy of employees, health issues resulting from the lack of ergonomic equipment and tools at home, reinforcement of gender roles as the burden of balancing both office work and domestic chores often fall on women, and increased difficulty in reaching out and organizing workers.

### **13.1 Develop a Charter of Rights for platform workers and pass a law that protect the rights of freelance workers and other workers in the digital economy**

The trade unions propose that a Charter of Rights for platform workers in the digital economy should include, among others, the right to disconnect, protection against intrusive monitoring and surveillance, access to a grievance mechanisms, and access to labour standards and occupational safety and health particularly for freelancers, digital platform workers, and remote workers. A good example is the “Charter of Fundamental Rights of Digital Labour in the Urban Context” signed in Bologna, Italy on 31 May 2018 following negotiations between Riders Union Bologna, the Italian Trade Unions CGIL, CISL and UIL, the Municipality of Bologna, and the platforms Mymenu, Sgnam, and Domino’s pizza. The Charter is organized around four chapters covering general provisions, the right to be informed, the right to protection including to a fair wage, health and safety, protection of personal data, and the right to disconnect, and support from the public administration.<sup>96</sup> The charter is not binding and only those who sign it must observe it. The Charter is considered as the first agreement of its kind.

The trade unions also demand the passage of a law that protects the rights of freelance workers and other workers in the digital economy. The law should stipulate the following: (i) the requirement of a written contract between the worker and the platform/company; (ii) enjoyment of workers, with or without a contract, of labour rights and standards; (iii) putting in place a grievance mechanism; (iv) participation of workers in decision-making on matters that affect their working lives.

### **13.2 Combat bogus self-employment and misclassification of workers as independent contractors by providing in law an assumption of employment relationship based on the element of control between platform workers and the platform company**

Trade unions are urging Congress to pass a law that presumes the existence of an employment relationship and/or regularity of employment of freelance workers in the gig economy. Spain’s New Riders Act is an example. Passed by the Spanish Congress on July 21, 2021, the law imposes the





presumption of a labour relation between riders and delivery platforms; and the obligation of all companies (whether they are platforms or not) to share with workers' councils the algorithms that affect decision-making that may affect working conditions, access to and maintenance of employment, including profiling. The Spanish Supreme Court stated that the company owning the application and algorithm has means of subordination with the workers which cause the platform company and the workers to have an employment relationship. The control of the workers can be observed on setting and the lack of flexibility for the workers to change their own schedule and the main use of application in setting the delivery prices, communicating with customers, and other means of algorithmic control.

Another example of a legal framework is the proposed Directive of the European Parliament and of the Council on Improving Working Conditions in Platform Work. Chapter II Article 3 (Correct Determination of the Employment Status) states that:

*(a) Member States shall have appropriate procedures in place to verify and ensure the correct determination of the employment status of persons performing platform work, with a view to ascertaining the existence of an employment relationship as defined by the law, collective agreements or practice in force in the Member States with consideration to the case-law of the Court of Justice and ensuring that they enjoy the rights deriving from Union law applicable to workers.*

*(b) The determination of the existence of an employment relationship shall be guided primarily by the facts relating to the actual performance of work, taking into account the use of algorithms in the organisation of platform work, irrespective of how the relationship is*

*classified in any contractual arrangement that may have been agreed between the parties involved. Where the existence of an employment relationship is established based on facts, the party assuming the obligations of the employer shall be clearly identified in accordance with national legal systems.*

To support this, Chapter II, Article 4 of the Directive states:

*(a) The contractual relationship between a digital labour platform that controls, within the meaning of paragraph 2, the performance of work and a person performing platform work through that platform shall be legally presumed to be an employment relationship.*

To that effect, Member States shall establish a framework of measures, in accordance with their national legal and judicial systems. The legal presumption shall apply in all relevant administrative and legal proceedings. Competent authorities verifying compliance with or enforcing relevant legislation shall be able to rely on that presumption.

*(b) Controlling the performance of work within the meaning of paragraph 1 shall be understood as fulfilling at least two of the following:*

- i. effectively determining, or setting upper limits for the level of remuneration;

ii. requiring the person performing platform work to respect specific binding rules with regard to appearance, conduct towards the recipient of the service or performance of the work;

iii. supervising the performance of work or verifying the quality of the results of the work including by electronic means;

iv. effectively restricting the freedom, including through sanctions, to organize one's work, in particular the discretion to choose one's working hours or periods of absence, to accept or to refuse tasks or to use subcontractors or substitutes;

v. effectively restricting the possibility to build a client base or to perform work for any third party.

A legal presumption of an employment relationship between platform workers and the platform company was at the core of the 30 June 2022 decision of the National Labor Relations Commission (NLRC) Davao Regional Office that found the seven dismissed riders of delivery service company Foodpanda Philippines were regular workers and were entitled to back wages and other benefits from the company.<sup>97</sup> Dismissal was in the form of removal from the mobile application. This came after the riders started questioning in the first quarter of 2021 the computation of their earnings for eight-hour work. The company did not provide any explanation. Upon learning that the riders were starting to discuss a “no show” protest action against the company (though the plan was later aborted because the riders thought they would not be earning anything if they stage a protest), the company blocked them from the app.

The NLRC decision established that an employer-employee relationship existed between the riders and the company. This contradicted the claim of Foodpanda that the complainants were only contractors or “delivery freelancers” who use the company's delivery app to reach consumers. In ruling against the company, the labour arbiter used the four-fold test to determine whether there was employee-employer relationship: the selection and engagement of employee, the payment of wages, the power to discipline and dismiss, and the employer's power to control the employee with

respect to the means by which the work is to be accomplished.

As a result of the ruling, the labour arbiter ordered Foodpanda to pay Php 2.2 million in back wages, and separation pay and Php 222,346.68 in attorney's fees to the seven dismissed riders.

To complement the call for a law that presumes the existence of an employment relationship and/or regularity of employment of platform workers, trade unions propose the creation of a Technical Working Group in aid of defining the nature of work, applicable labour standards, and terms of employment of these workers.

### **13.3 Provide social protection to workers engaged in digital labour platforms**

Social security can be extended to platform workers by adapting policy, legal and administrative frameworks. One area which illustrates the issues at stake is work injury. In many countries, the platform company pays insurance premiums for private injury compensation insurance covering a platform worker. In Indonesia the government agency responsible for social security (the Badan Penyelenggara Jaminan Sosial Ketenagakerjaan) works in partnership with the financial sector to facilitate the registration and contribution payments so as to extend the coverage of work injury and death benefits to Gojek drivers (Indonesia's largest ride-hailing on-demand platform). This encourages Gojek drivers to register online with the agency, while their social security contributions are drawn directly from their driver accounts. A similar arrangement exists in Malaysia between the national social security agency, Perseko, and the platform company GrabCar. In China, the dominant ride-share platform, DiDi Chuxing has set up its own medical insurance plan with contributions from the platform and/or the workers, depending on the particular scheme.

Case law also played a role in extending social protection to platform workers. For example, in 2018, the Supreme Court of Korea (Republic of Korea) adopted a purposive approach to the application of the Industrial Accident Compensation Insurance Act in two cases also involving food delivery couriers. The Court overturned decisions from lower courts which had relied on contract wording rather than actual



practice. The Court found that the couriers were to be deemed “employee-like”–persons in special types of employment for the purpose of the Insurance Act.<sup>98</sup>

In the Philippines, House Bill 10571 or the Motorcycles-for-Hire Act, was approved on the third and final reading in the House of Representatives on January 31, 2022, provide motorcycle platform workers some form of social protection that they did not have before. Section 15 (Liabilities for Death, Injuries or Damage to Property) of the bill states that: “The operator and the TNC [Transportation Network Company] or OEPP [Online E-Commerce platform provider] providing the digital platform at the time when the death, injury or damage to property occurred in the course of operating a motorcycle-for-hire shall be jointly and solidarily liable, with rights of subrogation against any party at fault: Provided, That the liability of the TNC or OEPP shall not exceed the amount of the insurance coverage of the operator.” In addition, Section 16 (Accident Quick Response) states:

*“Each TNC or OEPP shall establish a quick response team to provide immediate medical care or bring any person injured by the operation of the motorcycle-for-hire booked through its digital platform to the nearest hospital or medical facility. A function that will allow the rider or passenger to alert the quick response team during emergency or road crash shall be part of the booking application options of the digital platforms. When necessary, the TNC or OEPP shall advance any amount necessary for the admission of such injured person or persons to a hospital or medical facility up to the maximum insured amount.”*

Governments in several countries have established structures that are tasked to recommend regulatory interventions to improve the working conditions of platform workers. In the Republic of Korea, the Economic, Social and Labour Council, a presidential advisory body, has been providing a forum where relevant stakeholders (representatives of workers, employers and the government) have engaged in dialogue. The Council has set up multiple committees dealing with issues regarding digital platforms, including the Committee on the Digital



Transformation and Future of Work. On 27 May 2020, the Committee announced a code of conduct that formulates guidelines for fair contract terms between workers and platform companies on matters such as payment method, fees, tax, non-discrimination, performance assessment programmes and dispute settlement.

In Singapore, an Advisory Committee on Platform Workers, which is made up of 15 representatives from the government, industry, labour movement, and academia was established by the Ministry of Manpower in 2021. The committee is tasked to come up with a set of recommendations on three priority areas, namely improving retirement and housing adequacy of such workers, providing adequate financial protection in case of work injury, and closing the gap in bargaining power between gig workers and platforms companies.

The trade unions propose the establishment of a similar council or committee in the Philippines.

# 14 Agenda for the Future of Work, Workers, and Workers' Power

Trade unions and worker organization reiterate the proposal of the ILO-initiated Global Commission on the Future of Work for a “human-centred agenda for the future of work that strengthens the social contract by placing people and the work they do at the centre of economic and social policy and business practice”<sup>99</sup>. The agenda consists of three pillars:<sup>100</sup>

## (1) Increasing investment in people's capabilities

- Universal entitlement to lifelong learning that enables people to acquire skills and to reskill and upskill.
- Stepping up investments in the institutions, policies and strategies that will support people through future of work transitions.
- Implementing a transformative and measurable agenda for gender equality.
- Providing universal social protection from birth to old age.

## (2) Increasing investment in the institutions of work

- Establishing a Universal Labour Guarantee.
- Expanding time sovereignty.
- Ensuring collective representation of workers and employers through social dialogue as a public good, actively promoted through public policies.
- Harnessing and managing technology for decent work.

## (3) Increasing investment in decent and sustainable work

- Incentives to promote investments in key areas for decent and sustainable work.
- Reshaping business incentive structures for longer-term investment approaches and exploring supplementary indicators of human development and well-being.



In the context of the ILO's human-centred agenda for the future of work (FoW), trade unions and worker organizations call for decisive action in creating a future that delivers economic security for all, equal opportunity, and social justice.

#### **14.1 Create a high-level Commission on the Future of Work with permanent trade union representation**

The future of work (FoW) and workers is being shaped today. Technological advances, environmental challenges and climate change, and changes in demographics are among the key forces that are transforming the world of work. Thus, many argue that the future of work—what work would look like in the years to come—has started. The ILO's human-centered FoW can only be realized if workers and their collective organizations (i.e., trade unions, workers' associations) have meaningful participation in shaping the future of work. Towards this end, the trade unions call for the creation of a multi-partite high-level Commission on the Future of Work with permanent trade union representation. This Commission will be tasked to: (i) serve as the focal point for the development and policy analysis of national future of work strategies; (ii) promote coordination among all relevant institutions in framing and implementing the human-centred agenda; (iii) deepen understanding of how processes of digitalization and automation are continuing to affect the world of work, and evaluate the effects of new technologies on work design and worker well-being; and (iv) create an expert monitoring group to track the path of innovation and advise on how it should address the resulting policy challenges.

#### **14.2 Reskill workers and invest in life-long learning ecosystems to address issues of future skills needs and how to build skills systems that prepare workers in the face of shocks and rapid automation and digitalization of work**

As an initial step, trade unions propose the conduct of a multisectoral or tripartite study on the impact of the future of work on workers and their organizations.

Trade unions propose the reskilling and upskilling of workers, especially those who were affected by the pandemic and those who are likely to be

displaced due to digitalization. Upskilling and reskilling of workers has become urgent as the COVID-19 pandemic has accelerated the arrival of the “future of work” as can be seen with the widescale resort to work from home, increasing automation, the growing use of online platforms, and the exponential growth of the gig economy.

At the national level, upgrading the publicly provided training system of TESDA is important. To reach out to workers in geographically isolated and disadvantage areas, a Training on Wheels program may be developed.

At the workplace level, reskilling and upskilling workers may be subject to collective bargaining. In particular, a “personal training account” may be negotiated. Introduced in France in 2015, a personal training account involves workers acquiring a number of hours of training rights per year, up to a maximum of 150 hours over a seven-year period.<sup>101</sup> In France, the personal training account is a national policy. “Since these training rights are attached to the person and not the job, employees can use them with successive employers, irrespective of their type of employment contract, as well as during periods of unemployment.”<sup>102</sup> This can be a policy area that trade unions can push for adoption.

The public employment program USWAG that trade unions propose is also a way to prepare workers in the face of shocks brought about by crises.

#### **14.3 Ensure that the use of technology supports decent work and any technological advances adopted by establishments in both public and private sectors follow a “human-in-command approach”**

Again, collective bargaining and tripartism can play a role in ensuring that the adoption of technological advances should involve negotiation and agreement between workers, trade unions, and managers on the design of work.

At the national level, trade unions are proposing a multipartite structure similar to the Economic, Social and Labour Council in the Republic of Korea. Among the committees of the council is the Committee on the Digital Transformation and Future of Work.

In the public sector, trade unions propose the creation of regular positions and training of government workers to support the implementation of e-Governance in the country.

#### **14.4 Make long-term investments in social and welfare services**

Here, trade unions reiterate their proposals in the following Agenda (A): A5 (Universal and adequate social security and social protection for all); A6 (Ensure quality public services); A7 (Protect and support enterprises and workers in the informal sector); A8 (Achieve gender equality); A10 (Protect the rights and ensure the well-being of overseas Filipino workers); A12 (Tax the wealth of the super-rich to fund universal social protection and economic recovery); and A14 (Adopt policies and measures aimed at protecting workers in the digital platform economy).

#### **14.5 Increase investment in public employment services, including in the development of digital services**

Trade unions reiterate their proposal in Agenda 5.2 (Roll out a massive public employment program which includes climate jobs).

#### **14.6 Strengthen the focus on green jobs and sustainability and sustain the momentum towards improved environmental outcomes**

Labour's proposals in Agenda 9 (Adopt and implement a resilient, equitable and sustainable development path for communities by integrating climate change measures into national policies, strategies, and planning) offer specific measures that contribute to strengthening the focus on green jobs and sustainability and improving environmental outcomes.





# 15

## Assert the Philippines' Sovereignty in the West Philippine Sea and Ensure the Demilitarization in the Area in Order to Defend the Livelihood of our Fishery Workers, Agricultural Workers, and other Rural Workers Living in the Islands Surrounding the Area



### 15.1 Assert the country's sovereignty over the West Philippine Sea

Trade unions and workers' organizations call on the government to take decisive actions asserting the Philippines sovereignty over the West Philippine Sea as emphasized in the 12 July 2016 ruling of the International Arbitral Tribunal in The Hague over the South China Sea or West Philippine Sea dispute to defend the livelihood of Filipino fisherfolk and farmers, farm workers, agricultural workers, and other rural workers living in the islands surrounding the area.

The arbitral proceedings (The Republic of the Philippines v. The People's Republic of China) were initiated by the Philippines under the UN Convention on the Law of the Sea (UNCLOS). The five-member arbitral tribunal released a 479-page decision which invalidated Beijing's sweeping claims over virtually the entire South China Sea and recognized the Philippines' sovereign rights in areas within its 200-nautical mile exclusive economic zone that China contests. Nonetheless, China continues to reject and disregard the ruling six years on. It continues to send its vessels around the West Philippine Sea despite repeated calls from the government for the withdrawal of the ships. These Chinese vessels arrogantly drive away our own fisherfolk in the West Philippine Sea, which

has been their regular fishing grounds, to the detriment of the fisherfolk's livelihood.

Relatedly, trade unions and workers' organizations also call for the full implementation, including the establishment of regional-based Industry Tripartite Council, and monitoring and compliance of labour standards, working and living conditions, and other protections accorded to fishers on board fishing vessels engaged in commercial fishing operations, as provided in DO No. 156, Series of 2016. The DO stipulates the minimum requirements for work on-board fishing vessels, the terms and conditions and employment, compensation scheme, OSH standards, right to security of tenure, social protection, and right to self-organization and collective bargaining.

### 15.2 Ratify the Treaty on the Prohibition of Nuclear Weapons

To ensure that the West Philippine Sea remains demilitarized, trade unions are calling for the ratification of the Treaty on the Prohibition of Nuclear Weapons. The promotion of peace and justice is not only an internal or national concern. Peace and security are also threatened by global and regional geopolitical developments. Trade unions see the need of starting a public conversation on the growing arms race,



particularly as countries respond to the US-China contest for hegemony. The unresolved territorial disputes in the South China Sea could easily conflagrate into a global crisis as several countries are escalating their military presence in the region. In light of this, civil society organizations, together with trade unions, should press for a united ASEAN approach in solving the territorial disputes. In light of this, the trade unions welcome a previous initiative in the Senate that sought to ratify the Treaty on the Prohibition of Nuclear Weapons (TPNW). In a hearing of the Senate Committee on Foreign Relations on 14 January 2021, Sen. Francis Tolentino stressed the importance of becoming a State Party to the TPNW, as this will help strengthen the Philippines' territorial claim in the West Philippine Sea, as recognized and affirmed by the 2016 South China Sea Arbitral Ruling by the Permanent Court of Arbitration. He urged the Senate to ratify the TPNW so that the Philippines can become a State Party. Thereafter, Department of Foreign Affairs (DFA) can devise a mode to diplomatically assert the Philippines' position in the West Philippine Sea.

Tolentino explained that by being a State Party, the Philippines "can inform the UN Secretary General that there are reasonable grounds to believe that the man-made structures in the West Philippine Sea are capable to host nuclear armaments as military facilities." For Tolentino, "the Philippines has much to gain from becoming a State Party to ensure a regime of peace and nuclear free region of amity and cooperation."<sup>103</sup>







## Labour's Priority Agenda

In the validation workshop held on 19 October 2022 at the Microtel by Wyndham UP Technohub in Quezon City, the trade unions and workers' organizations identified five priority areas in the Labour Agenda, namely:

- 1. End all forms of contractualization and non-standard employment by pushing for a security of tenure law (Agenda 1.1)**
- 2. Strengthen wage policies, especially for the low wage sector (Agenda 3)**
- 3. Create and preserve decent jobs (Agenda 4.3, 5.1, 5.4, 5.5, 5.6b, 6.1, 6.2, 8.1, 8.3, 8.5, 8.6, 9.1, 9.4, 10, 13, 14.2, 14.3, 14.5, 14.6, 15.1)**
- 4. Fully realize freedom of association (Agenda 1)**
- 5. Implement universal and adequate social security and (contributory and non-contributory) social protection for all (Agenda 4, 6.4, 11, 13.3)**

These five priority agenda shall serve as the common themes around which the trade unions and workers' organizations will develop their collective initiatives.



# Part II. How the Labor Agenda builds worker and trade union power



## 1. The power resources approach

The power resources approach (PRA) is an analytical tool that looks into four sources of workers' power—structural, associational, institutional, and societal power (Figure 1)—and how, by developing and activating these sources of power, workers and trade unions might be able to transform and address challenges they face in a changing political and economic environment. The PRA is a practical tool for developing union strategies.

### 1.1 Structural power

Structural power derives from the position of wage earners in the economic system. It is hinged on the premise that withdrawal of labour (due to strike, changing of jobs, etc.) disrupts production and is costly to employers. This power resource does not necessarily require collective representation or organization.

There are two forms of structural power. Workers wield marketplace bargaining power when they possess scarce skills or competencies, making them valuable to the employer and therefore difficult to replace. There are labour market factors that influence these workers bargaining power. When the labour market is tight, that is, vacant

jobs are plentiful and available workers are scarce, the competition for hiring these workers becomes more intense. A tight labour market also means that an economy is close to full employment so that recruitment of workers possessing scarce skills becomes difficult placing upward pressure on wages. A tight labour market is also characterized by low unemployment rates.

The other form of structural power is workplace bargaining power. Workers who occupy a strategic position within the production process (or in the supply chain) possess this power resource to a large extent. Any disruptive action by these workers is costly to the employer. Examples of these workers are those in key processes (e.g., dock workers, air traffic controllers), in key industries (e.g., transport, energy, health), and those performing just-in-time production processes.

If workers who possess marketplace bargaining power and workplace bargaining power collectively organize, their structural power or disruptive power could become even stronger.

### 1.2 Associational power

Associational power comes from the collective representation of workers at multiple levels: at the



workplace (i.e., enterprise or local union), at the industry or sector level (i.e., national federation), at the national level (i.e., national federation and confederation), at the global level (e.g., global union federations), and at the political level (e.g., workers' party, party-list representation in Congress). There are three dimensions of associational power. One is organisational power or how members' identify with the union organization. Do union members feel that they are part of the organization? Are there venues for members' meaningful participation in decision-making and in union activities. Organizational power depends on members "willingness to act" which is influenced by how the union addresses the previous questions. Willingness to act is not only expressed by union members' participation in strikes. It also includes their willingness to pay dues.

Associational power has a membership dimension as well. An increasing rate of union membership and union density builds up and stabilizes associational power. Another way of building association power is diversifying or broadening the union membership. This involves recruiting into the union groups of workers that are not previously or robustly organized by trade unions, such as women workers, young workers, LGBTQI+ workers, workers on informal employment, workers of diverse ethnic backgrounds, etc.). The third dimension of associational power is institutional vitality. This pertains to the capacity of trade unions to anticipate change and adjust to new contexts, embrace new strategies, introduce something new and "fresh" to the union. It also includes sound finances of the union organization. The use of trade unions of social movement repertoire of collective action is one indicator of institutional vitality.

### 1.3 Institutional power

Institutional power is derived from the union's ability to influence policy-making at various levels of government (e.g., elections, legislation and implementation of laws and regulations). Institutional power are the previous "wins" or victories of past struggles that have been made permanent. This can be in the form of integration of labour's demands into legally enshrined rights, laws and regulations on worker representation, legal protection and rules on application of right to strike, collective bargaining system, minimum

wage fixing mechanism, union representation in government bodies (e.g., social security, wage fixing, etc.). Case laws (Supreme Court decisions) that uphold workers' and trade union rights are also a good source of institutional power. This power resource may also come from trade unions' representation in tripartite structures at various levels and in the legislature (e.g., party-list system).

Institutional power may be a substitute, although temporary, for weak or diminishing structural and associational power. Nonetheless, as institutional power is subject to compromise with other actors, it may become a "double-edged sword", that is, having both positive and negative effects. In some cases, too much reliance on institutional power resulted in the neglect of the union's real source of power—associational power.

### 1.4 Societal power

Societal power pertains to the ability of a union to win allies. It often involves cooperation with other worker organizations and social groups and society's support for union demands. There are two components of societal power. One is discursive power or the ability of trade unions to clearly and persuasively articulate social and societal change or an alternative narrative and agenda. The perception that trade unions are democratic organizations adds up to their societal power.

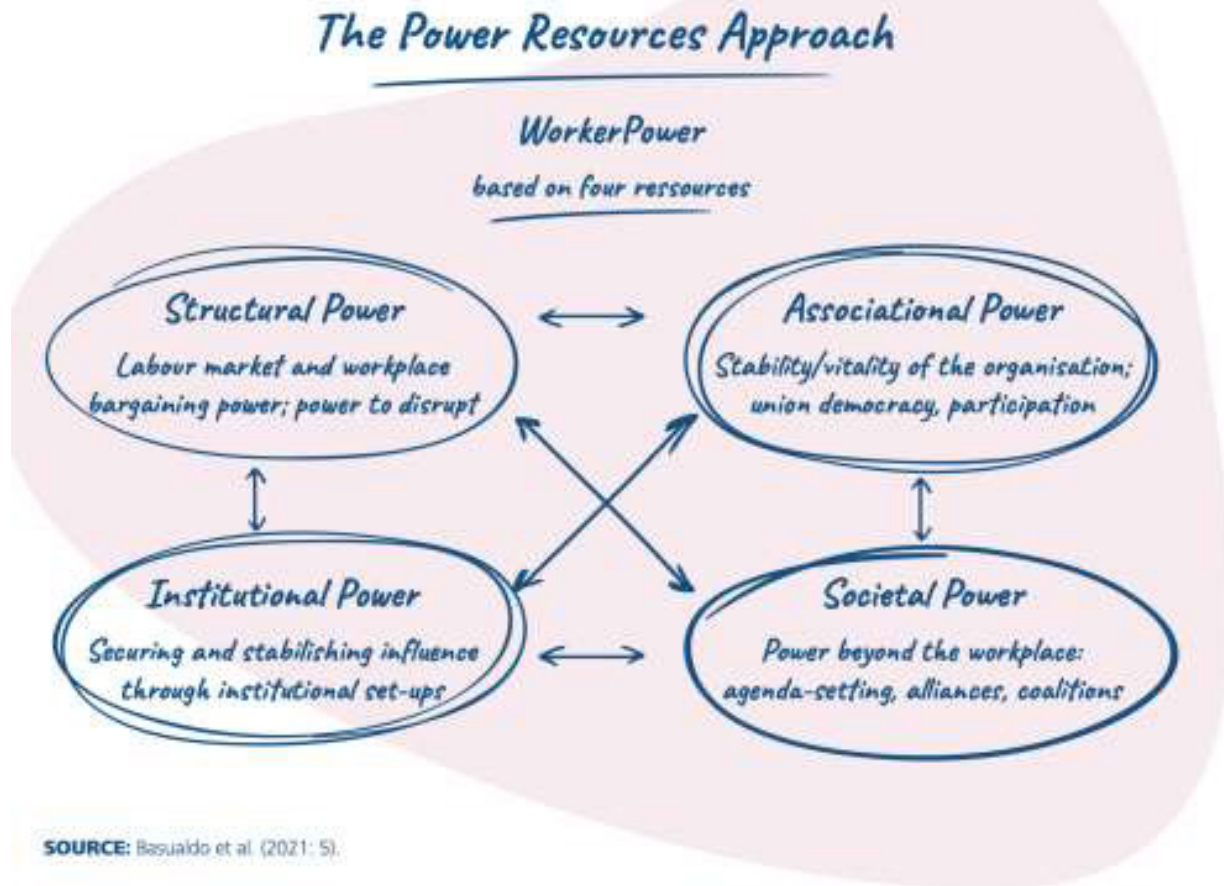
Collaborative or coalitional power, the other component of societal power, derives from the cooperative relationships between trade unions and other worker groups, movements and organizations which share many of their goals and interests. Collaborating with other organizations and groups results in knowledge and resource sharing, and in having more flesh and muscle in collective actions.

### 1.5 Insights from the power resources approach

Figure 1 illustrates that the four power resources are complementary and inter-related. Building a power resource may need the support of another power resource. Strengthening a particular power resource may also result in the strengthening of the other power resources. There are several insights that can be derived from using the PRA.

**FIGURE 1.**

Worker power through the lens of the power resources approach



- Unions have a strategic choice to use, develop or neglect their power resources.
- Power resources are not stable or given. Thus, trade unions need to continuously maintain their power resources.
- Power resources turn into power when trade unions have a strategy and develop capabilities to use them.
- In using the PRA in developing strategies, understanding the context within which unions operate is crucial.
- Gender is integral in the PRA. Women comprise half of the world population and LGBTQIA+ persons constitute a significant share of the workforce. Women and LGBTQIA+ persons build union power.
- By using their power resources, unions can effectively address many of the challenges related to the future of work: voice and representation for workers in non-standard employment, plugging regulatory gaps and influencing policy-making, using collective bargaining as a regulatory tool, and extending social protection, among others.
- Unions need to undertake a transformational (or renewal) process to strengthen existing and develop new sources of power. This involves reviewing the union identity, purpose, and agenda; changing and innovating union structures and processes; embedding union democracy in union structures and processes; activating union membership through member-centered union activities and actions; and having a transformation-oriented leadership.



## 2. How the Labour Agenda build worker and trade union power: A power resources analysis

Clearly, the 15-point Labour Agenda targets to build worker and union power by developing and strengthening the four power resources.

Table 3 presents the corresponding power resources that might be developed and/or strengthened by each of the points in the Labour Agenda. At the same time, the corresponding power resources for each of the Agenda points may be the power that trade unions need in pushing for the realization of the Labour Agenda.

To illustrate, when workers can freely exercise their right to freedom of association, organizing them into a union may be less difficult which, in turn, results in more workers joining a union (associational power). This also holds true to workers who are highly skilled or who possess rare skills. Having these workers in the union organization increases the union's structural power.

When trade unions are able to remove constraints to the full exercise of freedom of association through the passage of pertinent laws and regulations, they gain institutional power.

Table 3. The Labour Agenda and the power resources

Labor Agenda	Power resources			
	Structural	Associational	Institutional	Societal
1. Fully realize freedom of association	✓	✓	✓	✓
2. Strengthen and expand collective bargaining		✓	✓	✓
3. End contractualization	✓	✓	✓	
4. Strengthen wage policies, especially for the low-wage sectors			✓	✓
5. Implement universal and adequate social security and social protection for all		✓	✓	✓
6. Ensure quality public services (health, education, housing, water, power/energy, transportation)	✓	✓	✓	✓
7. Protect and support enterprises and workers in the informal sector			✓	✓
8. Achieve gender equality and empower all women and girls and the LGBTQI+ community		✓	✓	✓
9. Adopt and implement a resilient, equitable and sustainable development path for communities by integrating climate change measures into national policies, strategies, and planning	✓	✓	✓	✓
10. Protect the rights and ensure the well-being of overseas Filipino workers			✓	✓
11. Adopt and implement sustainable an industrial policy that combines economic upgrading and social upgrading	✓	✓	✓	✓
12. Tax wealth of the super-rich to fund universal social protection and economic recovery			✓	✓
13. Strengthen and deepen social dialogue			✓	✓
14. Adopt policies and measures aimed at protecting workers in the digital platform economy		✓	✓	✓
15. Agenda for the future of work, workers, and workers' power	✓	✓	✓	✓
16. Assert the Philippines' sovereignty in the West Philippine Sea and ensure the demilitarization in the area in order to defend the livelihood of our fishery workers			✓	✓

At the same time, when trade unions are large and encompassing (i.e., high union density as an indicator of associational power), they are more able to push for laws and regulations that totally guarantee freedom of association.

The Labour Agenda on freedom of association extends to workers not only in the formal economy but also in the informal economy. This makes the Agenda more inclusive, which contributes to building societal power.

By using strategically their existing power resources, trade unions may be able to effectively push for the realization of many of the points of the Labour Agenda. Specifically, structural power and associational power, the primary sources of union power, and complemented by societal power, are critical in achieving (some) victories.

## Endnotes

1 According to the ILO, non-standard employment includes temporary or fixed-term employment (i.e. project- or task-based contracts, seasonal work, casual work, and daily work), part-time and on-call work (including zero-hours contracts), multi-party employment arrangements (e.g. temporary agency work, subcontracted labour, labour hire, and dispatch work), and disguised employment/ dependent self-employment.

2 ILO (2016). Non-standard employment around the world: Understanding challenges, shaping prospects. Geneva: ILO.

3 Ibid: 8.

4 There are at least three bills filed in both houses of the 19th Congress that trade unions can support: The Anti-Endo and Contractualization bill (SB 145) filed by Sen. Risa Hontiveros, the Security of Tenure bill (HB 1512) of the TUCP Party-list, and Workers' Right to Security of Tenure (HB 2173) of the Makabayan bloc.

5 Civil Service Commission (2022). Inventory of Government Human Resources (IGHR). Various Years. <http://www.csc.gov.ph/2014-02-21-08-25-45/2014-02-21-08-26-09/inventory-of-government-human-resources-1st-sem-2016.html>.

6 ACT Party-list Rep. France Castro has filed HB 204 which seeks to provide security of tenure and grants substitute civil service eligibility for all non-regular and regular employees of the government who have rendered at least six months of continuous service. The TUCP Party-list Rep. Raymond Mendoza has also filed HB 1514 providing for security of tenure and permanent appointment to casual and contractual employees in government who have a record of outstanding government service of three years.

7 The BARMM region is composed of six provinces, namely Basilan (except Isabela City), Lanao del Sur, Maguindanao del Norte; Maguindanao del Sur, Sulu and Tawi-Tawi.

8 Specifically, the public sector unions are pushing for the passage of HB 378 authored Rep. Maria Rachel J. Arenas, which is entitled "An Act Instituting Reforms to Promote and Protect the Economic, Social, Political Rights and Well-Being of Barangay Health Workers Towards Quality Health Services Delivery and Appropriating Funds Therefor".

9 These bills include House Bill (HB) No. 1518 (Union Formation bill), HB 1519 (Protection of Workers in Cases of Merger and Consolidation), and HB 1520 (Worker's First Lien on Bankruptcy).

10 A bill has been filed in the 19th Congress, which seeks to introduce an amendment to the Labor Code that will allow these organizations to register as a federation and issue charter certificates.

11 TUCP Party-list has filed a bill entitled Public Sector Labour Relations Act (HB 1513) that seeks to provide the regulatory framework of labour relations in the public sector. The Makabayan bloc (ACT Teachers Party-list, Gabriela Women's Party, and Kabataan Party-list) likewise filed HB 550 that seeks to strengthen the Constitutional rights of government employees to self-organization, collective bargaining and negotiation, peaceful concerted activities, and use of voluntary modes of dispute settlement.

12 Kabataan Party-list filed HB 1152 on the criminalization of red-tagging. The Makabayan bloc also filed HB 253 which seeks to repeal the ATL and HB 256 which defines the rights and fundamental freedoms of human rights defenders.

13 Bureau of Labour Relations (2020). Existing Labour Organizations, Workers' Associations and Collective Bargaining Agreements. As of the 4th quarter of 2020. <https://blr.dole.gov.ph/wp-content/uploads/2021/01/SUMMARY-Q4-2020.pdf>.

14 Article XIII, Section 3 of the 1987 Philippine Constitution.

15 Herr, Hansjörg (2021). The rational of minimum wages. ICDD Working Paper No. 35. Kassel: The International Center for Development and Decent Work, University of Kassel, p. 3. [https://kobra.uni-kassel.de/bitstream/handle/123456789/12651/ICDD\\_WP35\\_Herr.pdf?sequence=4&isAllowed=y](https://kobra.uni-kassel.de/bitstream/handle/123456789/12651/ICDD_WP35_Herr.pdf?sequence=4&isAllowed=y).

16 Herr, Hansjörg and Kazandziska, Milka (2011). Principles of Minimum Wage Policy – Economics, Institutions and Recommendations. Global Labor University Working Paper Series No. 11. Geneva: International Labour Organization, pp. 16-17. <https://www.ilo.org/dyn/travail/docs/886/Principles%20of%20Minimum%20Wage%20Policy%20-%20Economics,%20Institutions%20and%20Recommendations%20-%20ILO%20and%20GLU%202011.pdf>.

17 Schmitt, John (2013). Why Does the Minimum Wage Have No Discernible Effect on Employment? Washington, D.C.: Center for Economic and Policy Research. <https://cepr.net/documents/publications/minimum-wage-2013-02.pdf>.

18 Herr (2021: 3).



19 These include demand for living wages, wage adjustment vis-à-vis the consumer price index, cost of living and changes or increases therein, the needs of workers and their families, the need to induce industries to invest in the countryside, improvements in standard of living, prevailing wage levels, fair return on the capital invested and employers' capacity to pay, effects on employment generation and family income, and equitable distribution of income and wealth according to the imperatives of economic and social development

20 Serrano, for example, notes that between 2002 and 2010, despite a gradual increase in labour productivity, the growth rate in average real daily basic pay (at 2000 prices) remained negative. Between 2002 and 2010, the average real wage fell by 1.3 per cent, while labour productivity grew by 2.4 per cent. See: Serrano, Melisa R. (2016). The (missing) link between wages and productivity in the Philippines: What role for collective bargaining and the new two-tier wage system? Conditions of Work and Employment Series No. 59. Inclusive Labour Markets, Labour Relations and Working Conditions Branch, International Labour Organization. Geneva: ILO, p. 15. [https://www.ilo.org/wcmsp5/groups/public/---ed\\_protect/---protrav/---travail/documents/publication/wcms\\_531654.pdf](https://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---travail/documents/publication/wcms_531654.pdf).

21 Ibid: 32.

22 Herr and Kazandziska (2011).

23 For more information about UK's Low Pay Commission, visit <https://www.gov.uk/government/organisations/low-pay-commission/about>.

24 These are employed persons living in households that are classified as poor, that is, their income or consumption levels are below the poverty line used for measurement.

25 <https://www.unglobalcompact.org/what-is-gc/our-work/livingwages>.

26 ILOSTAT (2022). Statistics on the working poor. <https://ilostat.ilo.org/topics/working-poverty/>.

27 IBON Foundation (2022). The Family Living Wage. <https://www.ibon.org/flw-ao-feb-2022/>.

28 PSLink (2022) Statement on October 7 2022 World Day for Decent Work: Wage Justice for Government Workers! We need salaries, not rightsizing!

29 PSA (2020). SDG Watch – Goal 3. Submissions as of 4 March 2020. <https://psa.gov.ph/sdg/Philippines/baselinedata/3%20Good%20Health%20and%20Well-being>. 30 The Mercer CFA Institute Global Pension Index 2022 full report can be downloaded at:

<https://www.mercer.com/content/dam/mercer/attachments/private/gpi/gl-2022-global-pension-index-full-report.pdf>.

31 See [https://www.sss.gov.ph/sss/appmanager/pages.jsp?page=PR2021\\_044](https://www.sss.gov.ph/sss/appmanager/pages.jsp?page=PR2021_044).

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35 A bill on the Comprehensive Nursing Law has been filed in the 19th Congress (HB 589) by Senator Risa Hontiveros. The bill seeks to protect and care for nurses through just employment, welfare compensation, and practice environments through the following, among others: (1) strengthening the regulation of the profession through the empowerment of the Professional Regulatory Board of Nursing; (2) ensuring top level leadership in nursing regulation, education, service, and research; (3) promoting competent and credentialed professionals through continuing professional development and career progression; (4) ensuring safe staffing and nursing skill mix for quality care through the institutionalization of the Nursing Human Resource for Health Management System (NHRHMS) in all settings and sectors; and (5) preparing, credentialing, and recognizing nurses for advanced practice in nursing to meet the gap created by increasingly complex healthcare needs, the strong focus of universal healthcare on primary care, and the need to reach Filipinos in inaccessible or underserved settings. Two bills have been filed by the Makabayan bloc in the House of Representatives: HB 3648 on the Comprehensive Nursing Law and HB 3650 on Increasing Public Health Emergency Benefits of Healthcare and Non-Health Care Workers.

36 The bill PhilJobs Act (HB 490) filed by Rep. Stella Luz Quimbo proposes the creation of a National Unemployment Insurance Program (NUIP), which will be administered by a Philippine Job Insurance Corporation. The NUIP shall aid workers during periods of unemployment. The program puts a limit to the basic unemployment insurance benefits to no more than three monthly payments equal to 80% of the worker's basic pay. Other benefits will also be provided such as training and training allowances and job counseling for the unemployed.

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48 In September 2022, Senate Bill 1290 or the Walkable and Bikeable Communities Act passed on third reading. The bill mandates the provision of safe pathways networks (i.e., bicycle lanes, walkways and slow streets) and the installation of bicycle and multi-racks in banks, hospitals, and government offices. Local governments are to lead the provision of these networks, and funds for these facilities would come from infrastructure of local governments, the Department of Public Works and Highways, and the Department of Transportation.

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## 15-POINT LABOUR AGENDA

Towards Building Worker and Trade Union Power in the Philippines

November 2022

This publication is authored by the broad Philippine labour, workers, and trade union movement

Editors: Dr. Melisa Serrano and Ms. Leian Marasigan

Developed under the technical assistance of the ILO

Cover photo:  
November 30, 2022 Bonifacio Day United Labor mobilization  
© SENTRO

ISBN: 9789220386057 (web PDF)

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