

# **10<sup>th</sup> National Convention on Statistics (NCS)**

EDSA Shangri-La Hotel

October 1-2, 2007

## **How to Believe in Philippine Decent Work Statistics: Focus on Freedom of Association and Collective Bargaining**

by

Maragtas S. V. Amante

For additional information, please contact:

Author's name	:	Maragtas S. V. Amante
Designation	:	Professor
Affiliation	:	UP School of Labor and Industrial Relations
Address	:	Diliman, Quezon City
Tel. no.	:	(0632) 920-7717
E-mail	:	<a href="mailto:maragtas@up.edu.ph">maragtas@up.edu.ph</a> ; <a href="mailto:maragtas2001@yahoo.com">maragtas2001@yahoo.com</a>

**How to Believe in Philippine Decent Work Statistics:  
Focus on Freedom of Association and Collective Bargaining**

**by**

**Maragtas S. V. AMANTE <sup>1</sup>**

Professor, School of Labor and Industrial Relations

University of the Philippines

**Abstract**

Given the difficulties as well as limits on budgetary and human resources available for Philippine decent work statistics, it is important to determine the level of confidence, and the margins of error for these indicators. It is indeed a miracle that union statistics continue to exist. Freedom of association and collective bargaining are two of the eight core conventions which comprise the ILO's Fundamental Declaration on Decent Work in 1998. The Philippines ratified both ILO Convention 87 on Freedom of Association and Convention 98 on Collective Bargaining, in 1953.

**Introduction**

The Philippines ratified the fundamental conventions of the International Labor Organization (ILO) on industrial relations as early as 1953, particularly ILO Convention 27 on Freedom of Association (1948), and ILO Convention 98, on the Right to Organize and Collective Bargaining (1949). Commitment to the United Nations Declaration on Human Rights (1948) is also an important part of the country's fundamental framework of industrial relations. These commitments to international norms are reflected in part or in whole through the Philippine Constitution, and various labor laws and social legislation enacted through the years. The fundamental framework of global standards and the Constitution guided policy and practice in the field of industrial relations, including collective bargaining and disputes settlement.

---

<sup>1</sup> Professor, School of Labor and Industrial Relations University of the Philippines, Diliman, Quezon City.  
Emails: maragtas@up.edu.ph, [maragtas2001@yahoo.com](mailto:maragtas2001@yahoo.com)

The Philippine Constitution provides the fundamental framework for industrial relations, when it declares:

“The State shall afford full protection to labor .... It shall guarantee the rights of all workers to self organization, collective bargaining and negotiations, and peaceful concerted activities including the right to strike in accordance with law. They shall be entitled to security of tenure, humane conditions of work, and a living wage. They shall participate in policy and decision-making processes affecting their rights and benefits as maybe provided by law.”<sup>2</sup>

In addition, the Philippine Bill of Rights guarantees “the right of the people, including those employed in the public and private sectors, to form unions, associations or societies for purposes not contrary to law ...”.<sup>3</sup> These guarantees are likewise extended to the public sector: “The right to self-organization shall not be denied to government employees”.<sup>4</sup>

The Bureau of Labor Relations reports that in 2006, there were 16,853 Philippine trade unions representing 1,858,555 workers.<sup>5</sup> The Bureau also reported that there were 11,643 worker associations, which combined with the number of unions total 28,496 labor organizations. There are 10 registered labor centers, and 128 federations. There are 241,668 workers (13 percent of claimed union membership) covered by 1,674 collective bargaining agreements in the private sector (*see Table 1*).

---

<sup>2</sup> Article XIII, Section 3 on “Social Justice and Human Rights” of the 1987 Philippine Constitution.

<sup>3</sup> Section 8, Article III on the Bill of Rights of the 1987 Philippine Constitution.

<sup>4</sup> Section 2(5), Article IX-B of the 1987 Philippine Constitution.

<sup>5</sup> Bureau of Labor Relations, Department of Labor and Employment, [www.blr.dole.gov.ph](http://www.blr.dole.gov.ph). Statistics.. Manila: DOLE-BLES [Accessed 15 February 2007].

**Table 1. Existing Labor Organizations and Collective Bargaining Agreements (CBAs) as of November 2006**

Labor Organizations/ Collective Bargaining Agreements (CBAs)	Number	Reported Members
<b>Labor Organizations</b>	<b>28,496</b>	<b>2,279,932</b>
<b>Public Sector</b>	<b>1,531</b>	<b>291,343</b>
<b>Private Sector</b>	<b>15,322</b>	<b>1,567,212</b>
Labor Center	10	*
Industry Unions	2	*
Federations	128	847,887
Affiliates	556	147,030
Chartered Locals	7,748	700,857
Independent Unions	6,878	719,325
<b>Workers' Associations</b>	<b>11,643</b>	<b>421,377</b>
Operating in one region	11,621	421,377
Operating in more than one region	22	*
<b>CBA</b>	<b>1,674</b>	<b>241,668</b>

Source: Bureau of Labor Relations, Department of Labor and Employment

*Table 2* shows the trends in unionization, in relation to the employed work force, and to wage & salary workers. Since an employer-employee relationship is a requirement for collective bargaining, the unionization rate with respect to wage & salary workers would be a more meaningful indicator of freedom of association.

**Table 2. Trends in unionization 1995 to 2007**

	Union members	Employed	Wage & salary	Percent employed	% wage & salary
1995	3,587	25,676	13,678	14.0%	26.2%
2000	3,788	27,775	13,925	13.6%	27.2%
2005	1,910	32,313	16,316	5.9%	11.7%
2006	1,855	32,962	16,790	5.6%	11.0%
2007	1,873	33,706	17,224	5.6%	10.9%

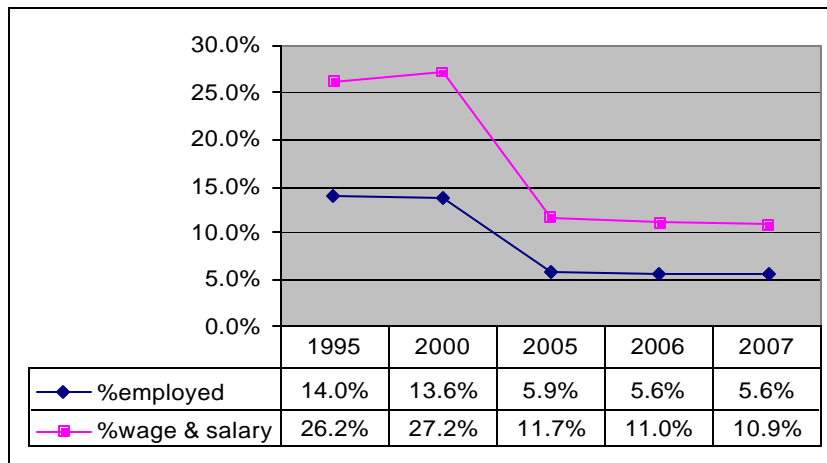
Note: Raw data from BLES DOLE, *Yearbook of Labor Statistics*

& *Current Labor Statistics*. Data for 2007 is for March.

Union membership & employment data is in thousands (000s).

The unionized workforce is down to 5.6 percent of the employed workforce, compared to 14 percent in 1995. As a percentage of wage & salary workers, the unionized percentage decreased from 26.2 percent in 1995, to 10.9 percent as of March 2007. CBAs cover only 12.4 percent of the workers among the claimed union membership of 1.873 million.

**Figure 2. Trends in unionization rate**

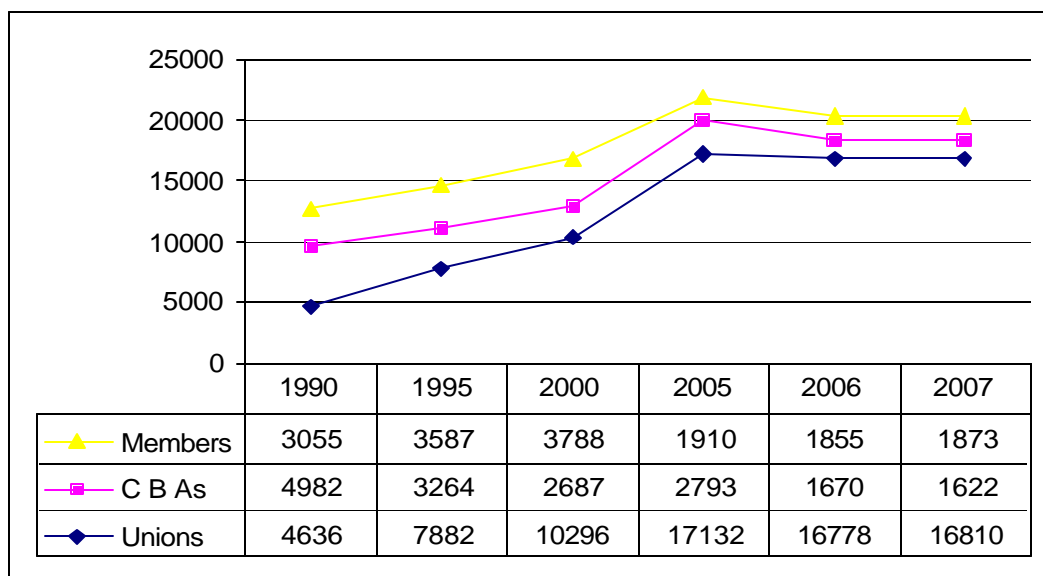


There is a diversity of unions, federations and national labor centers of which 8 are officially recognized. In 2006, there were about 236,000 workers covered by collective bargaining agreements in the private sector, against a reported claim of 1.563 million members by the unions (12.4 percent CBA coverage).

In contrast, there were 292,000 government employees who were members of public sector unions. There were only 56 Collective Negotiation Agreements (CNAs) which is a mere 3.8 percent of the 1,469 public sector unions. These public sector CNAs cover only 8,286 workers (a mere 2.8 percent) of the 2.5 million employees in government.

These facts about unionization rate and extent of CBA coverage reveal the **fiction of Philippine worker representation**. The numbers indicate that most unions are unable to conclude collective bargaining due to the resistance of their employers, or that many of the unions are not genuine. In addition, there is a tremendous drop of 56 percent in the number of workers covered by collective bargaining agreements, which stood at 556,000 in 2005. Many CBAs expired in 2006, and were due for re negotiation. There are also problems of faulty records keeping and double counting in union membership. The claimed union membership is 16 percent of the 14.6 million wage and salary workers, and only 8 percent of the total employed workforce of 30.252 million.

**Figure 3. Unions, members & CBAs: 1990 to 2007**



Note: union membership is in 000s. Data for 2007 is for March.

Sources of raw data: BLES DOLE, *Yearbook of Labor Statistics*; *Current Labor Statistics*.

**Table 3. Correlation matrix: unions, CBAs & labor force, 1990 to 2000**

	Unions	CBAs	Labor force	Union members
Unions	1	-.920(**)	.979(**)	.976(**)
CBAs	-.920(**)	1	-.919(**)	-.917(**)
Labor force	.979(**)	-.919(**)	1	.959(**)
Union members	.976(**)	-.917(**)	.959(**)	1

\*\* Correlation is significant at the 0.01 level (2tailed).

The growth in union membership (1990 to 2000) in the Philippines is highly correlated with the growth in the labor force (Table 3). But contrary to common sense, the labor statistics show that there is a significant, strong negative relationship between the growth of unions, and the number of CBAs. This finding shows that the growth in the number of unions in the Philippines is really fiction, since it is expected that a greater number of unions will result in more collective bargaining agreements.

The results of the regression analysis in the growth of union members are shown in Table 4.

Model 1. Union members as dependent variable, and the number of unions as independent variable. The growth of unions represent the strength of the organizing efforts of the union leaders.

Model 2. Union members as dependent variable, and the labor force as independent variable. The growth of the labor force represents the supply side of the economy.

Model 3. Union members as dependent variable, and both the number of unions and the labor force as independent variables.

The results show that the positive growth of union members could best be explained (coefficient of determination or R-squared = 95 percent) by the effort of the union leaders to organize, represented by the growth in the number of unions. This leaves only 5 percent of

the reasons behind the growth of union members remaining as “unexplained factors”. In the model which uses the growth in the labor supply as the only factor, the growth in the labor force is also significant, but when placed side by side with the growth of the unions, this factor becomes insignificant (*Model 3 results*).

**Table 4. Regression analysis: what explains growth of union members?**

	Model 1: growth in union organizing	Model 2: growth in the labor force	Model 3: both growth in unions & labor force	
			Unions	Labor force
Constant	2396.88	154.15	2199.41	
(t-value)	(29.32)	(0.47)	(2.420)	
Beta coefficient	0.98	0.117	0.128	0.010
(t-value)	(13.37)	(10.13)	(2.354)	(0.218)
R	0.98	0.96	0.98	
R-square	0.95	0.92	0.95	
F	178.81	102.6	79.97	

#### **Freedom of association & union registration**

The Philippine Labor Code governs the exercise of trade union rights in the private sector, from registration, membership requirements, recognition, intra union disputes, cancellation, and unfair labor *practices* (*Book V on Labor Relations, Articles 234 to 249*). “Unions” are defined as “any labor organization in the private sector organized for collective bargaining and for other legitimate purposes” (*Implementing Rules, Book V Rule I (h)*).

“Workers association” on the other hand refers to “an association of workers organized for the mutual aid and protection of its members for any legitimate purpose other than collective bargaining” (*Implementing Rules, Book V Rule I (j)*). The Bureau of Labor Relations provides a separate form for the registration of a “workers association”, for

agricultural workers, farmers, fisher folk, artisans, craft workers, independent transport workers such as drivers of jeepneys, vans, tricycles and pedicabs; home based workers; construction workers, market, ambulant and sidewalk vendors, small scale mine workers, and own account workers. Rules on registration, certification election, and settlement of disputes with other or within the union are the same as the unions (*DOLE Department Order 40-03, 2003*). There is a gap in whether or not workers associations have the right to take concerted action for legitimate purposes. The media however had in the past reported on some workers associations such as jeepney drivers and market vendors who successfully engaged in national concerted action to negotiate regulatory policies with government authorities.

In general, unions and workers associations are collectively referred to as “labor organizations” which refers to “any association of employees in the private sector, which exists in whole or in part for the purpose of collective bargaining, mutual aid, interest, cooperation, protection or for other lawful purposes” (*Article 212(g)*). On the other hand, a “legitimate labor organization” means any organization registered with the Department of Labor and Employment” (*Article 212(h)*).

The Bureau of Labor Relations of the Philippine Department of Labor and Employment is mandated by the law (Article 231, PLC) “to keep a registry of legitimate labor organizations. The Bureau maintains a file of all collective bargaining agreements and other related agreements and records of settlement of labor disputes and copies of orders and decisions of voluntary arbitrators. The file could be accessed by the public, provided that no specific information submitted in confidence shall be disclosed, or when it is at issue in any judicial litigation, or when public interest or national security so requires. Within thirty (30) days from the execution of a Collective Bargaining Agreement, a copy is submitted directly to

the Bureau or the Regional Offices of the Department of Labor and Employment for registration, accompanied with proof of posting in two conspicuous places in the place of work and ratification by the majority of all the workers in the bargaining unit.”

The application for registration of a local union shall be signed by at least twenty percent (20%) of the employees in the appropriate bargaining unit which the applicant union seeks to represent. Applicant unions may submit all the signatures and names of employees in the qualified bargaining unit in the enterprise, for registration. An “appropriate bargaining unit” is a group of all employees within the enterprise, with collective interests, through similarity in the nature of the work and duties, compensation, working conditions.

The requirements for union registration include: a registration fee; names of the officers, their addresses, the principal address of the labor organization, the minutes of the organizational meetings and the list of the workers who participated in such meetings; and the names of all its members and the number of employees in the bargaining unit. If the union has been in existence for one or more years, copies of its annual financial reports should also be submitted, along with copies of its constitution and by-laws, minutes of its adoption or ratification, and the list of the members who participated in it. A sworn statement by the applicant union should indicate that there is no certified bargaining agent in the enterprise. In case there is an existing collective bargaining agreement in existence, which is filed with the Department of Labor and Employment, the sworn statement must state that the application for registration is filed during the last sixty (60) days of the agreement.

It is possible that the application for union registration can be denied, due to non-compliance with the requirements. The decision of the Regional Office or the Bureau denying the application for registration shall be in writing, stating in clear terms the reasons

therefore. A labor organization, both at the enterprise, industry and national level, becomes “legitimate” if it is registered with the Bureau of Labor Relations. The Bureau of Labor Relations or the DOLE Regional Office could also cancel the certificate of registration of any labor organization which fails to submit the financial reports required by the Philippine Labor Code. The Bureau of Labor Relations is the appropriate authority to decide union cancellation cases, and there have been petitions both from employers and rival unions, some of which were dismissed.

Unions at the enterprise level in the Philippines are organized into federations and labor centers on a general basis, and not by sector or industry. There is relatively high level of freedom of association, and abundance in labor legislation. The procedures for union registration and recognition generally start at the enterprise or workplace unit level (Articles 234 to 240, Philippine Labor Code). There are specific rules for worker federations or national unions, “who must provide proof of at least 10 local union affiliates who are duly recognized bargaining agents”. Furthermore, “no federation or national union shall be registered to engage in any organization activity in more than one industry in any area or region, and no federation or national union shall be registered to engage in any organizational activity in more than one industry all over the country.” The government’s Bureau of Labor Relations “shall see to it that federations and national unions shall only organize locals and chapters within a specific industry” (*Article 237 & 238*).

New legislation on union registration, Republic Act No. 9481 became a law after 30 days without President Gloria Macapagal Arroyo’s action & signature, as provided by the Constitution. The objective of the new law is to “strengthen the workers’ constitutional right to self organization”, and took effect on May 25, 2007. The new legislation amended regulations concerning registration, cancellation and accreditation of union federations. The

grounds to cancel a union registration were reduced. Unfair labor practices; non submission of reports such as changes in union officers and financial reports; as well as violation of rights of union members were removed as grounds for union cancellation. Supervisory & rank & file unions may join one federation, which means that supervisors who are officers of a federation could represent rank & file unions during collective bargaining negotiations. Employers were also prohibited to oppose a petition for certification election by the union.

A prominent feature of freedom of association in the Philippines is the diversity of union organizations. Plant level unions could affiliate and be represented by federations, or could be independent. Labor laws provide that at least 20 percent of the workforce belonging to a bargaining unit could organize themselves into a union, and apply for registration. In addition, at least 25 percent of the workforce should petition, and stand for “certification election”, if there are other unions within the enterprise, to represent the workforce in collective bargaining negotiations. How to extend the benefits of unionism to the non-organized, informal sector is a major challenge. Labor management cooperation (LMC) mechanisms recognize as pro-active mechanisms towards non-adversarial industrial relations.

Many Philippine trade unions started to appreciate non-traditional (sometimes non-collective bargaining) activities such as investments in labor enterprises, renewed political unionism and organizing workers in the informal sector of the economy. This widened the scope of operations of the labor movement. These responses are apparent in the statements and activities of the major trade unions groups, including the Trade Union Congress of the Philippines (TUCP), the Federation of Free Workers (FFW), and the Alliance of Progressive Labor (APL).<sup>6</sup>

---

6. Statements and activities of the major trade union organizations could be accessed in the following websites: TUCP, [www.tucp.org.ph](http://www.tucp.org.ph); Federation of Free Workers (FFW), [www.ffw.org.ph](http://www.ffw.org.ph); Alliance of Progressive

Militant trade union leaders organized party-list groups to participate in parliamentary elections and represent workers in legislation. These include the Kilusang Mayo Uno (May First Movement) which organized the *Anakpawis* (literally means 'Toiling Masses') and the *Bayan Muna* (Nation First); and the *Partido ng Manggagawa* (Workers Party), the women's party *Gabriela*, and the *Akbayan*. Militant party list representatives were elected as lawmakers in the Philippine Congress, but as a minority, they influence debates but not significantly alter the balance of parliamentary votes with respect to the majority interests of traditional economic and political elites. The ECOP has vigorously opposed many of the populist labor law proposals from the militant party list lawmakers, such as a legislated P125 (US\$ 2.5 daily) across the board wage increase.

There are also important independent labor groups such as the National Confederation of Labor (NCL), the Trade Unions of the Philippines and Allied Services (TUPAS), the National Labor Union (NLU), the Philippine Transport and General Workers Organization (PTGWO), the National Alliance of Trade Unions (NATU), and the Associated Marine Officers and Seafarers Union of the Philippines (AMOSUP). Public sector unions are either independent, or belong to five competing national labor centers with different ideologies.

National labor centers registered with the Bureau of Labor Relations are often invited to send representatives in national and foreign meetings, dialogues and consultations. The most representative labor centers are given the privilege to represent the workers in the tripartite ILO meetings, and provided travel, accommodation & living allowances. At least two militant national labor centers, the Kilusang Mayo Uno (KMU, May First Movement) and the Bukluran ng Manggagawang Pilipino (BMP, Union of Filipino Workers) are not recognized. An officer in an interview said that the KMU has refused to register, on grounds that registration requirements are a violation of freedom of association. The major national labor centers also include worker associations who do not undertake collective bargaining, but "mutual aid & protection".

In the public sector, Executive Order 180 applies to all government employees, to provide a framework for government employees "to exercise their right to

---

Labor (APL), [www.apl.org.ph](http://www.apl.org.ph), and the Kilusang Mayo Uno, [www.kilusangmayouno.org](http://www.kilusangmayouno.org).

form, join or assist employees' organizations of their own choice, for furtherance and protection of their interest". However, members of the Armed Forces of the Philippines, police officers, policemen, firemen and jail guards are exempted from the coverage of this law. Executive Order 180 further defines the bargaining units that employee associations may represent, and provides a procedure for the certification of employee associations as exclusive negotiating agents.

Most Philippine government unions belong to national public sector federations, of which there are five major groups: the militant Confederation for Advancement, Recognition Advancement and Unity of Government Employees (COURAGE), PS LINK, Philippine Government Employees Association (PGEA), the Alliance of Health Workers (AHW) in public hospitals and health institutions, and the Alliance of Concerned Teachers (ACT) with members who are mostly public school teachers.

### **ILO recommendations on freedom of association**

Meanwhile, the ILO's 2007 Report of the Committee on the Application of Conventions and Recommendations emphasized that "respect for civil liberties is essential for the exercise of freedom of association, ... in a climate of complete freedom and security from violence and threats. " The Committee requested the Philippine government to provide observations on steps taken to ensure that "all instances of violence against trade union members, whether these be murders, disappearances, or threats are properly investigated.... A situation in which a large number of acts of violence against trade union members are not investigated, ... or not fully carried out, is clear evidence of impunity preventing the free exercise of trade union rights".

In its 2007 report, the ILO Committee recommended the following measures for follow up action, some of which were subject of various ILO reports for many years:

- Amendment to Article 234 ( c ) of the Labor Code, which requires as a condition for union registration the names of all its members comprising at least 20 percent of all employees in a bargaining unit. Philippine labor law needs to be consistent with Article 2 of Convention 87, to provide for the right of workers, without distinction whatsoever, to establish and join organizations of their own choosing.
- Amendment of Articles 269 and 272(b) of the Labor Code, and Section 2 of Rule II of Department Order No. 40-03, which prohibit aliens ... from engaging in any trade union activity, under penalty of deportation. Convention 87 guarantees the rights of workers to freedom of association, without distinction whatsoever, including nationality, in the territory or state which has ratified the convention.
- Amend Article 263(g) of the Labor Code so as to limit governmental intervention resulting in compulsory arbitration to essential services only.
- Amend Sections 264(a) and 272(a) of the Labor Code, which provide for dismissal of trade union officers and penal liability to a maximum prison sentence of three years for participation in illegal strikes, to ensure that workers may effectively exercise their right to strike without the risk of being sanctioned in a disproportionate manner.
- Lower the excessively high requirement of ten union members for federations or national unions set out in Section 237(a) of the Labor Code, to fully comply with Convention 87, Article 5.
- Amend section 270, which subjects the receipt of foreign assistance to trade unions to the prior permission of the Secretary of Labor.

In 2003 as a consequence of the Toyota Motor Philippine case, the ILO Committee on Freedom of Association urged the Philippine government not only to review its labor

legislations but also to introduce fair, independent and speedy procedures in the certification process, to recognize a union to represent workers in collective bargaining negotiations.

The ILO Committee repeated its request for the government to amend the Labor Code as it has allowed the Secretary of Labor and Employment to submit the any labor dispute likely to cause a strike to compulsory arbitration with the argument that the enterprise belongs to "an industry indispensable to the national interest". The ILO Committee on Freedom of Association (CFA) commented that this phrase in Article 263(g) totally contradicts the provisions of C. 87 and 98 ratified by the Philippines. The LO likewise observed that Philippine labor laws which provided for the penalty of dismissal from employment are disproportionate to the act of participation in a peaceful strike. A "back to work order" in strikes which do not threaten the life, health, and safety of the population is also not in conformity with ILO Conventions 87 & 98 on freedom of association.

There are proposals by employers, workers and government to improve the fundamental framework of Philippine industrial relations. These proposals include more favorable requirements for union organizing, accreditation, recognition for collective bargaining negotiations, and for labor management consultations. Given the contentious nature of issues raised in social dialogue, such as policies on wages, and employment , and social security, it is important to share best practices in other countries as reference or benchmark, and to flesh out the best feasible consensus in improvements and reforms in law and procedures.

### **Comparison with ASEAN countries**

Labor laws of most countries in ASEAN + 3 provide for the fundamental framework of

industrial relations, built upon **freedom of association**, generally understood to include:

- ❖ The right of workers and employers to establish and join organizations of their own choosing without previous authorization;
- ❖ To draw up their own constitutions and rules, elect their representatives, formulate and implement their programs;
- ❖ To join in confederations and affiliate with international organizations; and
- ❖ To be protected against dissolution or suspension by administrative authority.

Although many ASEAN + 3 countries have not ratified the ILO core conventions on freedom of association (ILO Convention 87) and collective bargaining (ILO Convention 98), (*Table 3*) national laws, policies and regulations are in place, in varying degrees and scope, to provide for the exercise of trade union rights.

The exercise of state authority to regulate union memberships and affiliations include rules on the requirements for union registration, affiliations with industry or national federations and labor centers, and definitions on the scope of the bargaining unit.

Some countries provide for basic rules of union democracy, elections, term limits of officers, such as regular elections and transparency and regular reporting of the use of union funds. There are varieties of provisions on whether or not confidential, supervisory, managerial and other categories of employees could be excluded or included in the union, as part of the appropriate definition of the collective bargaining unit. The degree of state regulation of union activities raise issues on consistency with the countries ratification and commitment of the freedom of association. It is necessary to review the variety of legal frameworks, policies and rules in order to improve industrial relations, and to uphold and respect the freedom of workers in the exercise of their trade union rights.

Reflecting diverse interests in industry, and society, a variety of unitary and multiple unions are in place in ASEAN + 3 countries, at the enterprise, industry and national level. There are both advantages and disadvantages in the variety of forms to provide for union security: closed shop union agreements means all employees are automatically members of the union; union shop agreements does not require union membership at the time of hiring, but only for specific periods; while agency union shops does not require union membership, but non union members authorize specific deductions in return for enjoying wage increases and other benefits from the union's agreement with the employer. The adoption of specific union security clauses at the enterprise or industry levels as a result of collective bargaining is consistent with freedom of association.

Freedom of association includes the determination of the level of representation of the workers in collective bargaining and disputes settlement, and social dialogue. The adoption of regulations, measures or strategies to achieve unitarism (one union representing the workers' interests) or pluralism (multiple unions representing diverse workers interests) should be consistent with the freedom of association of the workers, through coordinated action of multiple unions or through national or industry trade unions. Freedom of association and the right to negotiate collective agreements are subject to the level of representation of workers within the workplace, enterprise, industry and national society.

A common fundamental framework for good industrial relations will help ensure harmony and productivity in the workplace; narrow down inequalities in wages and income; improve living standards; and contribute to social and political stability in the region.

### **Agenda for further research**

It is important to undertake research on how the political and economic environment, including national labor laws and international conventions affect the growth and development of unions, to provide for freedom of association and collective bargaining. The Philippines has a long history of trade unionism, as recorded by labor statistics. It is important to determine the significance of the exercise of workers rights in the country, in relation to economic outcomes and political democracy.

An agenda for research should include the following themes:

- How did the organized workers, through the unions influence income distribution, particularly the share of labor in national income, compensation, social security, employment, industrial development and economic growth?
- To what extent do unions influence employment practices with respect to “security of tenure, humane conditions of work, and a living wage; and participation in policy and decision-making processes”?
- What is the pattern of union density as a percentage of the employed workforce, with salary and wage workers, and with the labor force?
- In which sectors are unions increasing, and in which sectors are these decreasing or disappearing, and why?
- What is the implication of the decreasing incidence of strikes with respect to unionism?
- How do statistics on Philippine union density compare with other ASEAN countries?
- What are the implications of union statistics in the promotion of decent work, improvement of the quality of working life, social dialogue and tripartism between employers, workers and government?
- What would be the best way to improve the quality of union statistics?

\*\*\*

\*\*\*

\*\*\*

**Appendix 1. Core ILO standards ratified by ASEAN + 3 countries, and date of ratification**

	ILO Con. 87 Freedom of association	ILO Con. 98 Collective bargaining
Brunei Darussalam		
Cambodia	23/08/1999	23/08/1999
Indonesia	09/06/1998	15/07/1957
Lao PDR		
Malaysia		05/06/1961
Myanmar	04/03/1955	
Philippines	29/12/1953	29/12/1953
Thailand		
Singapore		25/10/1965
Vietnam		
ASEAN + 3		
Japan	14/06/1965	20/10/1953
Republic of Korea		
China		

**Appendix 2 Fundamental framework of industrial relations: freedom of association and unions**

Union rate		<i>B I M P S T</i>
Brunei Darussalam	No data.	Trade union Act (1961) register and controls trade unions. Labour Act (1955) provides for a Commissioner of Labour. Brunei Oilfield Workers Union is the only active union.
Indonesia	There are now 74 trade union associations.	Act Number 13 (2003) provided a new law on industrial relations. Law No. 21 (2000) provided for the right to unionize. Rapid rise of unions, with multiple unions in one enterprise.
Malaysia	10 percent	Industrial Relations Act (1967) (Act 177), provided rules and regulations between employers and trade unions, including disputes settlement.
Philippines	12 percent	Presidential Decree 442 (Philippine Labor Code) enacted in 1975 provided for labor relations.
Singapore	14 percent	Industrial Relations Act (1960).

Thailand	No data.	The Labour Relations Act (1975) and subsequent laws and guidelines provide for workers rights, and employers prerogatives. The Labor Protection Act (BE 2541, 1998) provided important labor standards.
----------	----------	---

Source: Country reports, 20 to 24 August ASEAN Regional IR Policy Workshop, Bangkok

<b>C L M V</b>	
Cambodia	Enacted Labor Laws in 1997. There are 408 unions with 11 federations, and still increasing. Union must have support of 50 percent + 1 majority of the bargaining unit, to be recognized for a term of 2 years. Public sector employees could form associations, but not unions.
Lao PDR	1990 revisions in labor laws provided for unions to be organized in enterprises with 10 or more workers.
Myanmar	Myanmar ratified ILO conventions on freedom of association in 1955. The basic rights of citizens including freedom of association will be included in the new constitution. In the meantime, there are no trade unions as such, legally organized by the workers.
Vietnam	The roles and functions of the trade unions are stipulated in the Union Law 1990 and Labor Code 1994. These two legislations also affirm the freedom of Vietnam's workers to join trade unions. 18 national industrial unions, and 61 provincial federations; 58,619 trade unions at the grassroots as of 2002.

Source: Country reports, 20 to 24 August ASEAN Regional IR Policy Workshop, Bangkok

### Appendix 3. Labor centers in the Philippines

#### Labor centers registered with the Bureau of Labor Relations

1. **International Metal Workers Federation – Philippine Council (IMF-PC)**  
Date registered: 13 February 1973  
Key officers: Cecilio Seno, President  
Last reporting compliance: Financial Statement 2000  
Members: None indicated.
2. **Philippine Congress of Trade Unions (PHILCONTU) (inactive)**  
Date registered: 21 January 1971  
Key officers: Democrito Mendoza, President.  
Last reporting compliance: Financial statement 1981. No reports in last 10 years.  
Membership: No indicators.
3. **Philippine Trade Union Council (PTUC) (inactive)**  
Date registered: 19 August 1980  
Key officers: Alejandro Villaviza, President  
Last reporting compliance: No reports submitted since last 10 years.  
Members: No indicators.
4. **Lakas Manggagawa Labor Center (LMLC) (inactive)**  
Date registered: 21 August 1987  
Key officers: Florentino Cruz, chairman; David Diwa Jr., Exec. Director  
Last reporting compliance: No indicators.  
Members: 14 federations.
5. **Pambansang Diwa ng Manggagawang Pilipino (PDMP)**  
Date registered: 14 February 1991  
Key officers: Roberto Oca, President; Geronimo Quadra,  
Chief of Staff & Spokesman  
Last reporting compliance: No indicators.  
Members: 18 federations.
6. **National Confederation of Labor (NCL)**  
Date registered: 27 May 1994  
Key officers: Felicisimo Carullo, Chairperson (deceased);  
Samuel del Rosario, Exec. VP  
Last reporting compliance: No indicators.  
Members: 7 federations.
7. **Port Workers Union of the Philippines (PWUP)**  
Date registered: 4 May 1979  
Key officers: Roberto Oca, President; Norberto Reyes, Exec. VP

Last reporting compliance: No reports within the last 10 years.

Members: No indicators.

**8. Trade Union Congress of the Philippines (TUCP)**

Date registered: 10 February 1976

Key officers: Democrito Mendoza, President; Ernesto Herrera, Secretary

General

President: Democrito Mendoza

(Also a president or key official of: PHILCONTU, VIMCONTU, & PTUC)

Last reporting compliance: No indicators.

Members: 40 federations, the biggest of which is the Associated Labor Union (ALU) with 50,774 workers as members. Considered as the most representative worker organization. No current elected representative in the Philippine Congress (past candidates won the elections).

Website: [www.tucp.org.ph](http://www.tucp.org.ph)

**9. Visayas Mindanao Council of Trade Unions (VIMCONTU) (inactive)**

Date registered: 28 February 1963

Key officers: Democrito Mendoza, President; Cecilio Seno, Vice Pres. & Sec.

Gen.

Last reporting compliance: Financial Statement 2004.

Members: No indicators.

**10. Congress of Labor Organizations (CLO)**

Date registered: 12 November 2001

Key officers: Timoteo Aranjuez, Chairman

Last reporting compliance: Founding documents 2002; Financial Statement 2001.

Members: No indicators.

Registered as a federation but with activities as an independent national labor center

**11. Federation of Free Workers (FFW)**

Date registered: 19 November 1956. Registered with the BLR as a federation, but not as a labor center.

Key officers: Alan Montano, President. Antonio Asper, Vice President.

Membership: 27,927 workers in 373 local unions and 31 affiliates.

**12. Trade Unions of the Philippines & Allied Services (TUPAS)**

Date registered: 23 April 1971 (registered as Federation, but not as a labor center).

Key officers: Vladimir Tupaz, Secretary General.

Membership: 10,563 workers in 228 unions & 31 affiliates.

Website:None.

No elected representative in the Philippine Congress.

Not registered with the BLR

### **13. Alliance of Philippine Labor (APL)**

Date organized: November 1996 (according to APL website)

Key officers: Danny Edralin, president; Joshua Mata, Sec. General

Website: [www.apl.org.ph](http://www.apl.org.ph)

Elected 3 representatives in the Philippine Congress through the Akbayan party list organization. Key labor federations: NUHWRAIN

Automotive Industry & Workers Association (AIWA)

### **14. Kilusang Mayo Uno (KMU)**

Date organized: May 1980

Key officers: Crispin Beltran, Chairman Emeritus & elected representative;  
Elmer Labog, Chairman; Joel Maglunsod, Sec. General

Members: 12 federations and 5 regional worker alliances.

Includes the following major federations:

National Federation of Labor Unions (NAFLU): 27,525 members, 215 unions and 57 affiliates.

Alliance of Democratic Labor Organizations (ADLO): 10,367 members, 264 unions and 9 affiliates.

Alliance of Nationalist & Genuine Labor Unions (ANGLO), 12,741 members in 198 unions and 17 affiliates.

Organized labor Association in Line Industry and Agriculture (OLALIA), 5,478 members in 66 unions and 2 affiliates.

Website: <http://kilusangmayouno.org>

Elected representatives in the Philippine Congress through the following party list organizations: Anakpawis (1 representative), Bayan Muna (3 representatives) & Gabriela (Women's Party) (1 representative)

### **15. Bukluran ng Manggagawang Pilipino (BMP)**

Date organized:

Key officers: Renato Magtubo, President & elected representative, Partido ng Manggagawa.

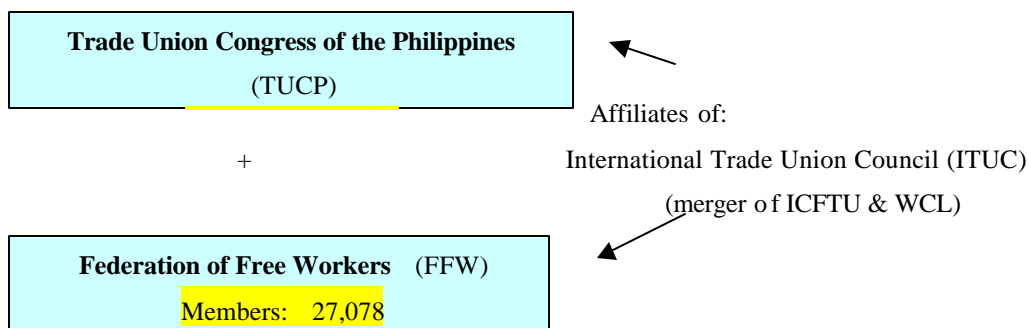
Website: <http://www.bukluran.cjb.net/> [Accessed 15 February 2007; not updated]

Elected representatives in the Philippine Congress through the Partido Manggagawa.

From what is known in official reports, the media and other publications about Philippine trade unions, the most probable structure is shown in Figure 1.

#### Appendix 4. Philippine national labor centers and their alliances, 2007

*Works closely with government & employers, and the ILO:*



Note: Membership figures from the ITUC website: [www.ituc-csi.org](http://www.ituc-csi.org) "List of affiliates" as of November 2006

ICFTU: International Confederation of Free Trade Unions

WCL: World Confederation of Labor

Independent competing active labor groups, with no international affiliations, and very limited coordination with respect to political & IR issues in opposing government policies deemed contrary to workers' interests:

**Kilusang Mayo Uno** (May First Movement)  
Party lists: Anakpawis, Bayan Muna, Gabriela

**Alliance of Progressive Labor** (APL)  
Party list: Akbayan

**Bukluran ng Manggagawang Pilipino**  
(Solidarity of Filipino Workers)  
Party list: Partido Manggagawa (Labor party)

Associated Marine Officers & Seaman's Union of the Philippines (AMOSUP)

Trade Unions of the Philippines & Allied Services (TUPAS)

National Union of Bank Employees (NUBE)– UNI APRO

National Federation of Labor (NFL)

National Association of Trade Unions (NATU)

National Confederation of Labor (NCL)

Congress of Labor Organizations (CLO)