

FREE WORKERS

Volume V Number 1 2003-2004

A publication of the **Federation of Free Workers** (FFW-BATU-WCL)

TINIG NG MALAYANG MANGGAGAWA ON AIR

Now, our voices could be heard

“Magandang Gabi...” Quite a typical greeting on a late weeknight. But that cold December night—when this uniquely Pinoy greeting was uttered—was no ordinary night.

It was the launching of “Tinig ng Malayang Manggagawa,” the FFW’s very own radio program, which caters to the needs and aspirations of all “free workers”.

Leaders, members and staff of the FFW shared the excitement leading to the first broadcast of *Tinig*

ushered in by the drumbeat of “Awit ng Malayang Manggagawa”, heard over DWSS 1494Khz on the AM band.



*DEBUT 'Tinig'
on its maiden broadcast.*

Encouragement

FFW President Ramon Jabar was the first interviewee to be heard over a phone patch. “Mabuhay,” he said, congratulating the Federation for the pilot episode of its radio program.

FFW National Vice-President Atty. Allan Montaño, on the other hand, was at the studios for the initial episode as the first resource person for *Tinig*’s *Talakayan* portion, where the burning issues of the day are discussed.

For the pilot episode, Atty. Montaño gave light on the issue of labor-only contracting, which he stressed was illegal especially since “it is not even found in the Labor Code.”

[next page](#)

Well-wishers flooded the first episode with local presidents of FFW egging on the Federation and appreciating the initiative to finally get labor’s message across using the airwaves.

Great voices on Tinig

Right on its second episode, Tinig was able to guest big names. Former Sen. Bobby Tañada, long time human rights advocate discussed the issue in length, relating his experiences and the spirit and letter of the law.

The broadcast was on the eve of the celebration of Human Rights Day.

Sen. Tañada is also the lead convenor of the Fair Trade Alliance (FTA), which espouses “fair” not “free” trade. FFW is an active member of FTA.

The same episode featured Labor and Employment Sec. Pat Sto. Tomas, who spoke on the relevance of human rights to labor.

After she wished Tinig well, she candidly referred to FFW as her “favorite union” owing to its good track record and its sense of responsibility.



TYA DELY?
OSH Tips on air from Ka Juliet.

Jitters

“You might get nervous in the beginning but it will soon go away,”



TALAKAYAN ‘Tinig’s discussion on issues.

FFW-CNV Workplan Project Manager Ephraim Guerrero told his colleagues shortly before the program went on air. He acts as one of the anchors of the radio program.

Ka Eph is no stranger to broadcasting, having been an anchor of an alternative radio program a couple of years ago. His advice was well taken by the radio broadcasting neophytes in the booth.

“I tried to modulate my voice,” says Julius Cainglet, Tinig’s co-anchor. “Eventually I realized that talking to unionists and workers, as we do in the program is an everyday occurrence so

I just let it flow until it came out naturally.”

During the pilot episode, Trade Federation Coordinator Reo Bicierra taped his *Balitang Unyon* segment so he wouldn’t have to deal with *stage fright* as he reports on the activities of the Federation, its TFs and its locals.

He was happy to finally do a live broadcast in the next episode. Asked about his reaction after the show, he said, “Nairaos din!”

Workplan Secretary Juliet Palabon lends her voice *a la Tiya Dely* in the segment *OSH Tips*, where occupational health and safety issues are discussed.

Also a regular in Tinig is FFW Legal Center Head Atty. Sonny Matula, who discusses labor laws in *Batas Paggawa*.

In-house talents

The finale of the show, *Mensawi (Mensahe sa Awit)* is arguably one of the listeners’ favorite segments. It is a satiric take on a burning issue that is sang by Ka Jules to the tune of a hit song. Riding on popular culture, the segment conveys the message of the Federation.



BALITAANG UNYON
Ka Reo delivers the news.

In the very short history of Page 11

TINIG NG MALAYANG MANGGAGAWA is heard every Tuesday night, 10:00 p.m. to 11:00 p.m. @ DWSS 1494Khz AM.

FFW tackles DOLE order amending rules on labor relations

The Information, Education and Communication activities of the FFW-CNV Workplan 2003 gained ground with the conduct of the Workers Symposium Series during the third quarter of 2003.

Center of attention of the Federation during the period was the recently enacted Department Order No. 40-03: Amending the Implementing Rules of Book V of the Labor Code of the Philippines.

Almost 200 members of the Federation in the Mindanao and Visayas areas participated in the well-attended symposia held within a week of

each other. The PSI-FFW conducted a similar forum in Luzon a few weeks ahead.

Local union leaders and members in Davao City flocked to the Grand Men Seng Hotel last Sept.20, where Ms Florence N. Timbal Conciliator-Mediator, NCMB Reg. XI, acted as main discussant of DO 40-03. Fred Olvida, Coordinator of the FFW Branch Office was the facilitator.

Amigo Terrace Hotel in Iloilo was the venue for the same symposium in the Visayas a week later. Employees of



SOMETHING NEW Reg. VI Med-Arbiter Atty. Sigaya explains DO 40-03, which is now in effect.

the hotel, whose union have just affiliated with the FFW were among the unionists present. Atty. Claudio Sigaya Med-Arbiter, DOLE Reg. VI was the main resource person. Acting as facilitator was Mr. Rex Majesterio, Vice Chair for Visayas, ASIUP-FFW. National Vice President Atty. Allan Montaña was the reactor for both symposia.

FFW officers present addressed the symposium. In Davao, they were Mr. Gil Belonio, Vice-President for Mindanao; and Ms Zing Camus, Board Member-at-Large. Also in attendance

was Ms Beth Navarozza, ASIUP-FFW (TF8) Education Subgroup Chairperson.

In Iloilo, on hand were Ms Grace S. Savella Vice-President for Visayas; Mr. Allen Aquino, Board Member-at-Large; and, Prof. Neil Theodore Lasola, Chairperson, ASIUP-FFW (TF 8).

Atty. Montaña conducted brief consultations with the unions after the symposia.

TALK of the TOWN FFW VP for Visayas Grace Savella welcomes unionists.



Highlights of DO 40-03

Petition for Certification Election

Mandates the Med-Arbiter to conduct as many hearings necessary, but in no case such hearings shall exceed fifteen (15) days from the date of scheduled preliminary meeting.

The proceedings of certification elections cannot be suspended during the pendency of an independent petition for cancellation of union registration proceedings. Invalidity of certificate registration is not valid ground for dismissal or denial of petition for certification elections.

Decisions or orders of the Med-Arbiter shall be released within ten (10) days after the last day of hearing. Such order/decision granting the conduct of certification election in an unorganized establishment is not subject to appeal. No appeal or motion or reconsideration shall be entertained. Same is final and immediately executory.

On Grievance Machinery and Voluntary Arbitration

Either party may serve notice upon the other to submit the unresolved issue to voluntary arbitration. If in seven (7) days the other party whom the notice is served fails to respond, the voluntary arbitration proceedings shall commence.

Failure of VA to render decision within twenty (20) days shall subject concerned VA to disciplinary action such as delisting of his/her name in the list of accredited VAs.

On Union Registration

Local chapters could now be considered legitimate labor organizations by mere submission of a charter certificate issued by a federation (like the FFW) or a national union to the DOLE's regional office. Independent unions undergo the old process.

In turn, the regional office shall issue a certificate of creation of charter/local (for local union/ chapter) or a certificate of registration (for independently-registered unions) to effect its legitimacy.

Similar to the corporate world, terms and procedure on newly-created unions due to *merger* and *consolidation* have also been added.

On Conduct of Certification Election

Pre-election conference shall be conducted no longer than thirty (30) days after the first preliminary meeting. The Election Officer shall cause the posting of notice of certification elections at least ten (10) days prior to the actual date of the elections. Such period of posting of notice cannot be waived by any party.

Mandates the Med-Arbiter as the only authorized person who can issue an order to proclaim the results of the elections and certify the union which obtained a majority of the valid votes cast as the sole and exclusive bargaining agent.

On Collective Bargaining

Institutes '*multi-employer bargaining*' to give way to collective bargaining beyond the enterprise level, e.g. industry-wide bargaining.

Application for registration of CBAs shall be accompanied by: statement on posting of the CBA in two (2) conspicuous place within the establishment at least five (5) days

before the ratification; and a statement that the CBA was ratified by a majority of the employees in the bargaining unit.

Even *re-negotiated* CBAs shall be registered with the same requirements and procedure.

Concluded agreements through multi-employer bargaining shall be registered with the Bureau of Labor Relations.

On Cancellation of Union Registration

Provides for cancellation of union registration due to non-compliance of reportorial requirements with the regional office. This provision is separate from the cancellation of union registration due to violations of Article 239 (Grounds for Cancellation of Union Registration) and Article 241 (Rights and Conditions of Membership) of the Labor Code of the Philippines.

Requires a local/chapter or independent union to submit the following documents:

- a. any amendment to its constitution and by-laws and the minutes of adoption or ratification of such, within thirty (30) days from its adoption or ratification;
- b. annual financial reports within thirty (30) days after the close of each fiscal or calendar year;
- c. updated list of newly-elected officers, together with appointive officers or agents who are entrusted with the handling of funds, within thirty (30) days after each regular or special election; and
- d. updated list of individual members of unions within thirty (30) days after the close each fiscal or calendar year;

With non-compliance for five (5) consecutive years, the regional office shall cause a proceeding for the cancellation of union registration, on their initiative or upon complaint by any party-in-interest.

On Administration of Union Funds and Actions Arising Therefrom

Clear procedure on complaint or petition with allegations of mishandling or non-accounting of trade union funds. After exhausting procedures as stated in its constitution and by-laws, any complaint or petition, with the usual 20% support signatures of the total membership, shall be filed with the regional office. The Med-Arbitrator shall appoint an Audit Examiner, who has 60 days to conduct inventory on the financial records and physical assets of the trade union and render a report. Decision on the petition shall be given 20 days after receipt of the said report from the Audit Examiner.

culled from the Operation Department's Labor Bulletin. Want to know more about DO 40-03? Contact the Operations Department @ 521.9435/ 64.

In search of model CBA provisions for the global worker

What happens to workers in the event that the establishment they work for is acquired by a bigger company, gets merged with another or is left with no recourse but to close down?

How could the regular workforce and union membership increase in the context of prevalent contractual work?

Do women still suffer from discrimination in the workplace, even as their reproductive roles remain unchanged?

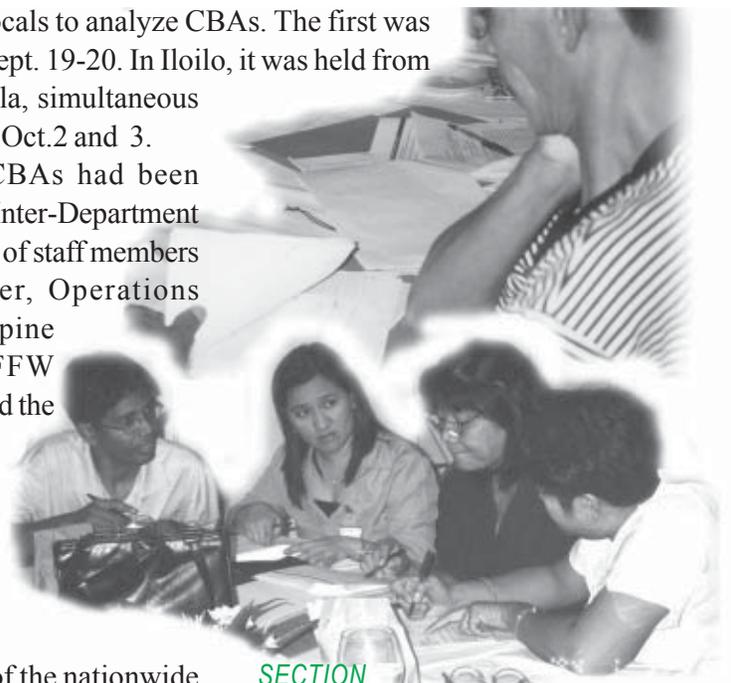
What protection can be provided through CBAs in the event these cases occur?

It's hard to answer these questions but left with no choice, union should be up to the challenge. From September to October, the FFW conducted a series of surveys and focused group

discussions among locals to analyze CBAs. The first was held in Davao from Sept. 19-20. In Iloilo, it was held from Sept. 26-27. In Manila, simultaneous sessions were held in Oct. 2 and 3.

A total of 35 CBAs had been analyzed by an FFW Inter-Department Task Force composed of staff members of the Legal Center, Operations Department, Philippine Social Institute, FFW Women's Network and the FFW-CNV Workplan.

By the first quarter of 2004, the Federation shall be validating these model provisions based on the analyses and results of the nationwide surveys and focused group discussion held last year.



SECTION
by SECTION

CBA focused group discussion in Davao.

EDITORIAL



Building on the people's victory in Cancun

We normally gauge the success of a Conference by the quality and potentially beneficial impact of its Declaration. As such, a Conference unable to produce even a one-sentence Declaration is considered a failure.

The World Trade Organization (WTO) Fifth Ministerial in Cancun, Mexico is one such Conference. And labor and other sectors reeling from the scourge of “unbridled globalization” and “excessive liberalization” could not have asked for a better outcome, for the breakdown of the WTO talks is a boost for the interest of the marginalized.

Had developing countries like the Philippines been bullied into acceding to the Draft Ministerial Declaration, further tariff cuts would have been applied on agriculture affecting the livelihoods and lives of poor peasants, while reforms on domestic support and export subsidies that protect rich countries would have been sidelined.

Non-agricultural products would have also gone to the tariff chopping block while negotiations in trade in services would have been accelerated to give way to discussion of new issues: government procurement and trade facilitation; and the imposition of a deadline for reaching an agreement on the modalities for negotiations on investment and competition policy.

The maneuver by developing economies—intended or not, is a masterstroke. But if these less powerful states fail to beef up in time for the next talks, the empires will strike back, intent on devouring them while using all sorts of arm twisting and applying not so diplomatic pressure on each dissenting country.



Thus, governments like that of the Philippines should realize the need for a full accounting of all the devastations suffered by agriculture and industry since trade policies promoting liberalization have been enacted and implemented. One of the major homework for policy makers therefore after the botched Cancun Meeting, is the review of tariff measures, which gladly is in process.

The tariff bound rates of the Philippines under the WTO is 20 per cent, yet our actual tariff rates are already down to five per cent. This is why the local market is flooded by imports, mostly cheap surplus products of China, which unlike the Philippines, implements a tariff regime five or six times higher. Industries succumb, agriculture dies and job losses continue to mount.

Re-calibrating our tariff rates is therefore in order. It should start with the repeal of Executive Order 334. Enacted at the end of the term of President Joseph Estrada without any consultation with industry and labor, EO 334 places 97 per cent of our industrial and agricultural products at a uniform 0-5 per cent tariff by the start of 2004.

In consultation with labor, a socio-economic development framework must be developed before government inks another trade agreement so that the danger of compromising the best interest of the citizenry is lessened. Such framework need be the basis for the formulation of trade policies.

The failure of the WTO in Cancun is a dent on the once invincible armor of the WTO that first cracked in Seattle. We should build on these victories and expose its other chinks while we sharpen our "anti-excessive liberalization" sword.

FFW's share

The Federation had a humble share in the victory at Cancun.

For one, it is active in labor and multi-sectoral coalitions that have espoused putting a stop to too much liberalization for the sake of Philippine labor and industries.

The FFW consistently attends dialogues, fora, and other venues for discussions on labor and trade with policy-makers.

It initiated a National Conference on Liberalization before Cancun, attended by its members and like-minded unions. Philippine negotiating team representatives were there.

The FFW Governing Board adopted the conclusions of that Conference, including the views that perceived benefits of globalization were not realized; there is no clear national policy to enable the country to compete globally; and that government continues to pursue globalization policies without carefully considering their impact on labor, industries and agriculture.

FFW and labor's battle against the evils of liberalization is far from over. But it has learned that being relentless and joining other troops of unionists and marginalized here and abroad might very well be the formula for victory.



*Stories
of a
Federation
in
(mass)
action*

UNITED VERSUS THE SCOURGE OF GLOBALIZATION

**FFW marches as one
on the centennial of Philippine Labor**

Breaking recent tradition of marching together with other Labor groups, the Federation of Free Workers marked Labor Day 2003 by holding a family affair.

Unions and sectoral organizations affiliated with the FFW converged at the Federation headquarters and held a peaceful rally along Taft Avenue (a major thoroughfare in Manila) before reaching Remedios Circle (near the historic Malate church) for an outdoor solidarity program.

The theme revolved around the urgent call of the times to “Strengthen the solidarity of unions and basic sectors; rise up to the challenge of Globalization!”

Some 5,000 FFW members including affiliate organizations of informal workers, farmers, youth, women and poor communities expressed their readiness to rise up to the challenges of the times in unity, as workers all over

the country celebrated the centennial of the labor movement in the Philippines.

No to strike ban

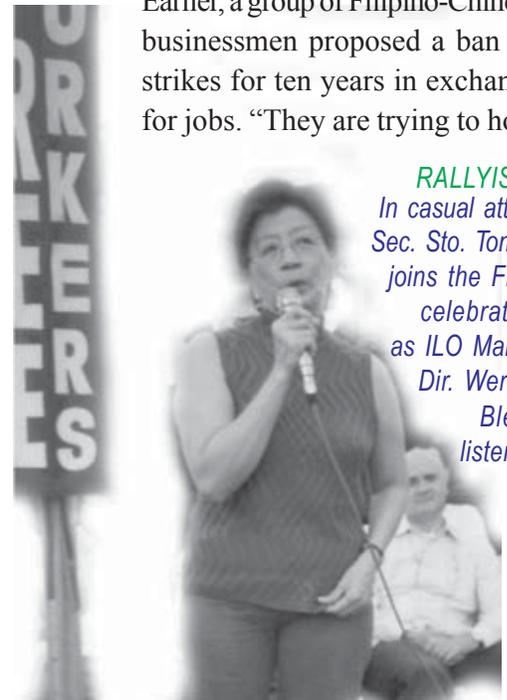
Labor and Employment Secretary Patricia Sto. Tomas, keynote speaker of the program assured workers that it will shoot down any proposal to institutionalize moratoriums on CBAs and strikes.

“The Secretary’s pronouncement is a welcome development,” said Mr. Jabar who was elated over the announcement of the Labor Secretary.

“Significant strides have been made from the days of US colonial rule but workers today are directly

being threatened by an unpatriotic business organization,” said FFW National President Ramon Jabar.

Earlier, a group of Filipino-Chinese businessmen proposed a ban on strikes for ten years in exchange for jobs. “They are trying to hold



RALLYIST?
In casual attire, Sec. Sto. Tomas joins the FFW celebration as ILO Manila Dir. Werner Blenk listens..



hostage trade unions while blackmailing the government into agreeing to ban strikes,” Jabar said.

“Without the option to strike, the union’s greatest weapon against greedy capitalists, management can easily drag down wages and terminate workers at will” he added.

Labor Code Amendments

Meanwhile, FFW leaders in the Visayas (central Philippines) celebrated Labor Day by “denouncing ambiguous and unjust proposals to amend the Labor Code”.

These provisions include: mandatory wage increase every six years covering employees in non-unionized firms; extension of CBAs from five to six years and the downgrading of management’s unfair labor practice from being a criminal offense to a mere administrative offense.

“What we need in this time of Globalization is criminalization of the contractualization scheme,” said Ms Grace Savella, FFW VP for Visayas in reference to the proposed legalization and deregulation of contractualization.

The FFW continues to participate in hearings on the “New Labor Code” conducted by the Committee on Labor of the House of Representatives.

Integrate core labor standards in IFI policies

After being snubbed by the scaled-down 36th Asian Development Bank (ADB) Annual Meeting and getting a token invitation to a “social function”, FFW, other unions and allied organizations took their issues to the streets.

“We cannot discuss the issues properly if the bank officials will remain mum on the request of the workers to have a forum. We are taking our forum instead on the streets, perhaps by this way they will hear us,” Asian Labor Network on International Financial Institutions/Philippines (ALNI/P) Co-Chairperson for FFW Atty. Allan Montano said.

ALNI/P trooped to the ADB headquarters in Ortigas in protest over the Annual Meeting that was being held there. They proceeded outside a nearby hotel, where a luncheon was hosted by the Bank’s officials with the President delivering a speech.

ALNI/P has been pressing for the increased accountability of the ADB and other IFIs in their policies and projects.

It has also been lobbying for the integration of International Labor

Organization-approved core labor standards in its manual of operations.

“The integration of core labor standards in all loans and projects funded by the



FFW in Ortigas.

ADB would increase the accountability of IFIs, particularly concerning displaced workers,” Atty. Montaño said.

The ADB has not been held responsible for adverse effects of the projects it

[next page](#)



Integrate core...

from previous page

funds, as it is immune from suits, leaving affected workers and communities without legal recourse.

“We are expecting ADB to withdraw their anti-labor policies and secure a formal dialogue with the people’s representatives to give assurance that the workers’ rights will be upheld and the crucial issues of the workers will be complied,” Mr. Montaña added.

Driven away

More than a hundred FFW members who joined the protest action converged early at a nearby parking lot along ADB Avenue only to be driven away by police and security personnel for not having a permit. The rally organizers sought for a permit several days ahead but the office of the Mayor of Mandaluyong City, never released such.

A ten-wheeler truck ferrying the sound system came too early for the public event and was advised to stay away from ADB. It never got near the mass of people that gathered much later.

The mass action had to rely on the available megaphones and the loud voices of march leaders. Most of them went home with hoarse voices.

SONA

Don’t offer workers, the people to the altar of Globalization

Slowly becoming a tradition, members of the FFW welcomed the re-opening of the Philippine Congress by presenting its legislative agenda not only to lawmakers, who hardly listen to them, but to more receptive ordinary folk, who complete the parliament of the streets.

FFW warned of the dangers to labor of the pending discussion on the General Agreement on Trade in Services (GATS) by the World Trade Organization meeting in September.

Rallyists noted that workers are still reeling from the effects of retrenchments as a result of closures, mergers, acquisitions and restructuring of corporations. And yet, here comes the WTO threatening jobs again.

Coming at the heels of a failed coup attempt organized by disgruntled young military officers, the State of the Nation may have more aptly been put as that of nation in a crisis economically and in a crisis of governance.

In summation, the following is the proposed agenda of the Federation during the day:

1. Lower the prices of basic utilities such as electricity, water and oil
2. Raise wages and benefits and enact the Constitutional mandate for a living wage
3. Stop unjustifiable liberalization of trade, deregulation and privatization, especially of basic services that are promoted by the WTO
4. Broaden the scope of the right to organize in the public sector, including the unionization of soldiers and policemen
5. End union busting and criminalize unfair labor practices

SHOUT FFW's
SONA streamers.



Stop the New Round!



STREET THEATER
TAPIEU-FFW
Cultural Group.

As endorser of the Stop the New Round! Coalition, FFW participated in the All-Labor Meetings and Mobilization in Manila, right before the Cancun Meeting “to unify major Philippine Labor Groups’ position” on the WTO 5th Ministerial Meeting.

Philippine labor groups agree in understanding and advocacy that there should be a stop to further trade and trade-related liberalization in the Philippines.

Labor also believes that the WTO should not be allowed to have jurisdiction over fisheries, services, and the new issues of investment, competition policy, government procurement and trade facilitation.

The groups also note that no study on the impact of the government’s trade liberalization program has been conducted.

Consultations on the Cancun issues were done only in August 2003, and they were held only in Manila, even as negotiations have been ongoing since December 2001.

The tariff review was started only recently and it is far from being completed.

Having failed to do their homework, our negotiators can only present indicative negotiating positions that are seriously lacking in detail.

Now, our voices... *from pages 1 & 2*

Tinig, this segment’s title has evolved from *PalitAwit* (literally meaning “change the song”), to *SalinAwit* (translate the song) and finally to *MensAwit*.

Tinig episodes go on-air utilizing available talent and manpower from the Federation.

Unlike other radio programs that have a battalion of staff for a show, all pre-production, airing and post-production work are handled by the FFW-CNV Workplan team.

The team itself conducts the research and prepares the script weekly. Assistance from the radio

station only comes in at the highly technical level.

Other segments of the program include *Tinig Malaya: Labor Trivia para sa Manggagawa* and *Balik Tanaw*, a look back to the history of the FFW, its core values and its contributions to the labor movement.

Board sets up policy and advocacy office

Responding to the need to advocate for external policies and programs and to frame internal policies and programs, the FFW Governing Board has formally established the Research, Policy Development and Advocacy Office (RPDAO).

The Board decision is based on the recommendations of the “National Writeshop and Policy Adoption Conference” held in Bayview Park Hotel, Manila on Oct. 8.

The action, meant to improve structures and administration within the Federation, is also mandated by the FFW 21st National Convention Policy and Program of Action.

Among the tasks of RPDAO are to establish a database, conduct research, policy studies and lobby appropriate government agencies on the positions taken by FFW on various labor and national issues. The RPDAO shall be composed of a staff composite team. Eph

Guerrero of the FFW-CNV Workplan team has already been appointed by the FFW President as Coordinator. The rest of the team shall be named soon.

As recommended by the Policy Adoption Conference and adopted by the FFW GB, statements, position papers and similar documents that will bear the name of FFW shall go through the

RPDAO and be recommended for adoption to the Governing Board.

Publications, especially those documenting Conferences, Consultations, Fora and the like shall also go through the newly established office.



APPROVED National writeshop okays RPDAO.



Free Workers is a publication of the Federation of Free Workers (FFW-BATU-WCL).




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