



# FREE WORKERS



## SDP acquaints FFW GB with legislative know-how

There are three main advocacy areas in legislation where groups like the FFW could lobby for provisions they wish to include in proposed measures at the House: at the committee level; at the conference level; and, at the plenary level.



SYMBOLIC PRESENTATION. President Emeritus Juan C. Tan (leftmost) leads FFW VPs in presenting the FFW PPOA to Rep. Barinaga (2<sup>nd</sup> from left). The presentors are, from left, VP for Mindanao Gil Belonio, VP for Luzon Fred Maranan, VP for Visayas Grace Savella and SDP Coordinator Ephraim Guerrero

### *The Labor Legislative Agenda of the House according to Committee Chair Rep. Barinaga*

"...As you can see, legislation is not a simple task but a long process, basically of a sensitive nature, primarily because we want to produce laws that have thoroughly considered the views of the various sectors involved. It is through this way that we, legislators endeavor to come up with balanced, relevant and responsive policies.

"For the *House Committee on Labor and Employment*, however, the task of legislation becomes a greater challenge because of our commitment to protect and promote the welfare of a disadvantaged sector—the labor sector. Thus, while the committee intently assesses the considerations of business and capital, and endeavor to balance the impact of would-be laws on all the affected sectors, it is likewise guided by an inherent bias towards those who toil and bring profit to the employers—the working masses. Thus, while the factor of balance plays an important role in the Committee, it is one that is tempered by a genuine concern for the labor sector."

This information came from Atty. Arlene Dada-Arnaldo, Deputy Sec. Gen. for Committee Affairs of the House of Representatives, as she illustrated the legislative process of Congress.

It is but one of the many pointers members of the FFW Governing Board, staff and strategic committees learned during the Substantial Democracy Project-FFW-sponsored Seminar on the Dynamics of Legislation and Parliamentary Procedures held at the Imperial

Palace Suites, Q.C. from 19-22 September 2001.

The seminar, participated in by 25 officers and staff of the Federation, was aimed at realizing one of SDP's *raison d'etre*: prepare workers to participate in democratic processes in order to protect and promote the rights and welfare of the labor sector.

Particularly, it was meant to facilitate active workers' participation in formulating policies, legislation and programs for the decent work agenda and other

**Editorial**



***Greater  
Involvement  
in Legislative  
Reforms***



With this issue of the Free Workers, we bring to the attention of the FFW constituency and our wider readership the importance of legislative reforms and advocacy not only as a component program of the Substantial Democracy Project but as a task of the Federation.

An important aspect of a democratic society is that it is a society governed by laws and not by men, guided by long cherished tenets and principles, not by whims and caprices of the powers that be. They said that the Golden Rule has been revised: "He who holds the gold, rules."

However, the Seminar on Dynamics of Legislation and Parliamentary Procedures conducted by the SDP has revealed that the present state of Democracy in the Philippines is far from what we may even call "substantial". The Legislative bodies of the country are dominated by representatives of the rich, the powerful, foreign interests and their local partners, and the popular. The legislative process, from the filing of bills to its approval, is marked by tedious, time consuming games of debates, grandstanding and compromises. The general public, who was instrumental in putting the legislators where they are now, is relegated to being an audience watching how public funds go down the drain.

The advent of the party list system of election for sectoral representatives is not enough to produce a genuine representation of the wider masses so that their basic needs and rights are protected through legislation. The growing poverty of our people is enough proof that the legislative agenda of the past had not been responsive to their needs.

On the other hand, the Seminar presented for the FFW and other labor sectoral groups and civil society organizations opportunities in pushing legislative reforms agenda. We should pursue efforts to participate in the next party list election to have our point man right where the action is. Let us continue our research efforts to back up legislative proposals especially those emanating from our PPOA. Let us organize lobby and legislative watch groups to encourage friendly congressmen/women and senators in pushing legislation that will benefit the labor sector and the whole nation as well.

Legislative Reforms, if we are to strengthen our democracy, should be everybody's business.

# 12 propositions for reforms in labor & social legislation

adopted  
by the FFW  
21<sup>st</sup> National  
Convention

Taking decent work as its starting point, the FFW 21<sup>st</sup> National Convention held in May 2001 adopted a 12 point-genda to reform the labor code.

“Jobs are important and urgent, but not at all cost,” according to the Policy and Program of Action that the Convention adopted. “When people have decent work, they can provide for themselves and participate in the building of a truly human society.”

The Convention emphasized that the “orientation of reforms in labor and social legislation should focus on developing social partnership in promoting decent work.”

Eleven other points adopted are:

- Expand the coverage of the labor code to include legal guarantees and protection for the unionization of other social sectors for purposes of mutual aid and protection as well as for social negotiations.
- Align national social and labor legislation with at least the core international labor standards, principally on freedom of association, collective bargaining, non-discrimination, elimination of forced labor, and elimination of the worst forms of child labor.
- Strengthen active labor market interventions by government, making it a crucial and strategic player in the labor market.
- Establish an appropriate and unified employment insurance scheme from elements already existing under various public programs and schemes;
- Improve social protection schemes to provide for adequate and portable social security and health insurance for all, as well as social housing and lifelong education for all;
- Strengthen institutional mechanisms that will promote popular participation in decision making and in the implementation of policies and programs affecting peoples’ lives, their work and their interests.
- Compulsory negotiation of social plans at plant level in cases of corporate restructuring.
- Overhaul the concept, rules and procedures regarding employee representation to make it non-competitive and non-adversarial, including social elections at regular intervals of workers’ representatives in all establishments employing 10 or more workers.
- Promotion of transparency and sharing of information not only as a matter of statutory right but also as a right gained in collective bargaining.
- Promote corporate responsibility by among others widening the base of corporate ownership through public listings.
- Less legalism in labor relations and less delays in the resolution of disputes.

As a basis for advocating decent work, the Convention adopted specific measures that will advance international labor standards, promote employment, improve social protection and institutionalize social dialogue. (A.C. Asper)

More details and information are available in PDF format through email at [ffwresearch@edsamail.com.ph](mailto:ffwresearch@edsamail.com.ph). A limited number of printed copies may be secured on a first-come-first-served basis at FFW Building, 1943 Taft Avenue, Malate 1004, Manila.

economic, political and social concerns at bi-partite, tripartite and multi-sectoral bodies from the plant level, industry level to the local government, to national agencies and to legislative bodies.

Since the seminar intended to guide workers towards meaningful

participation during meetings, they were also familiarized with a key ingredient—the ins and outs of parliamentary procedures. A skill which when one has mastery of shall ensure that meetings are well directed and actions are arrived at more efficiently.

### **PPOA presentation**

Highlighting the seminar was the symbolic presentation of the FFW Policy and Program of Action (PPOA) in its published form to Rep. Roseller Barinaga (2<sup>nd</sup> District, Zamboanga del Norte), Chairperson of the House Committee on Labor and Employment by FFW President Emeritus Juan C. Tan and the Titular Vice Presidents of the Federation.

A dialogue with seminar participants on the Labor Legislative Agenda of the House preceded it. Rep. Barinaga started the discussion by recognizing the importance of listening to the views of organized labor and reporting pending bills at the committee. In return, officers of the Federation aired specific concerns in addition to the comprehensive agenda it presented through the PPOA. (*see content of the Congressman's address and discussion points with the participants*).

### **Opening Ceremonies**

Though the seminar was to focus on the above-mentioned subjects, speakers during the opening ceremonies could not resist alluding to the terrorist attacks in the New York and Washington area in the United States and their possible implications to labor in particular both here and abroad, and the peoples of the world in general.

FFW Women's Network Chair Janet Dellaban, recently elected SDP Steering Committee Chair, explained that the committee suggested to the program staff that members of the GB be the initial beneficiaries of the seminar so as to facilitate more active participation during board meetings

especially from the new officials. She added that it shall also aid in making meetings more efficient.

FFW National President Ramon Jabar, on the other hand, noted that the seminar will equip members with the skills necessary to launch effective lobbying efforts.

Atty. Allan Montaña, FFW National Vice President, who gave the keynote address, refreshed participants on the core values of the Federation. He also presented specific amendments to existing labor laws that shall favor workers such as: assuring separation benefits due workers are granted; holding retirement benefits in "trust"; giving first preference to workers over property and assets in cases of shutdown; expansion of the coverage of unfair labor practice; and, giving more teeth to the Productivity Incentives Act of 1990.

### **The national situation**

A deep appreciation of the current events and the national situation as a whole is the necessary backdrop to propose appropriate legislation. To equip participants with it, the reputable alternative research institution Ibon Foundation, through Mr. Arnold Padilla, presented the national situation.

He zeroed in on the plight of Filipino workers with a battery of data culled from their databank, and proceeded with demonstrating the ill effects of globalization and how the government from the time of President Fidel Ramos, created laws aimed at opening up the country with the policies of trade liberalization, industry deregulation and privatization of state-owned enterprises.

### **Introducing the House...**

A trip to the Batasan Complex was originally scheduled so participants could witness actual deliberations in the lower House and meet with their respective Congresspersons. It was scrapped at

### **Pending Bills**

Issues and concerns being addressed by pending bills at the House Committee on Labor and Employment:

- Establishment of a living wage and legislated wage increase
- Labor Code amendments
- Strengthening security of tenure
- Prohibition of labor-only Contracting
- Protection of probationary employees
- Strengthening occupational safety standards
- Liberalization of portions of the Productivity Incentives Act of 1990
- Increase in leave benefits of workers
- Prohibition and penalties for employing children under hazardous conditions
- Protection of women from sexual harassment in the workplace
- Protection from discrimination in the hiring and firing of employees
- Protection for household helpers
- Protection for gays/ lesbians at the workplace
- Amendment of Overseas Filipino Migrant Workers Act of 1995 or RA 8042

THE HOUSE. Atty. Amatong-Buendia of the House Legal Service orients participants on the structure and functions of the lower chamber of Congress

the last minute by the office of the Speaker, since Congress was not in session and all conference rooms for committee meetings were occupied.

In exchange, it was the House of Representatives which went to the FFW. Aside from Rep. Barinaga and Atty. Dada-Arnaldo, other staff of the House of Representatives graced the SDP seminar. They were Atty. Rosario Amatong-Buendia of the Legislative Service, Reference and Research Bureau and Atty. Ma. Bella Eviota of the Legal Affairs Department.

Atty. Amatong-Buendia explained the structure and functions of Congress. She showed the organizational structure of both chambers of Congress and how each component part operates. She capped her presentation by summarizing the work of Congress as *nakaka-LOCCA*, which stands for: Lawmaking; Oversight; Constituency; Committee work; Appropriation; and, Advocacy.

Atty. Dada-Arnaldo also discussed the nuances of how a bill becomes a law. She also gave a few pointers when lobbying, described how cliques within Congress operate and how the power play works. Meanwhile, Atty. Eviota spoke about the vast potentials of labor as a pressure group.

#### **Parliamentary procedures**

Capping the three-day seminar was a discussion on the processes that smoothens the progress of meetings and deliberative assemblies where decisions are made. Mr. Jesse Emmanuel Bacon, an insurance executive adept at orienting groups on how to facilitate meetings, discussed parliamentary procedures.

More seminars of the same nature will be conducted for members of the Federation in the coming months.



#### **FFW presents legislative proposals on labor**

Members of the FFW Governing Board were privileged to have a dialogue with Rep. Roseller Barinaga (2<sup>nd</sup> District, Zamboanga Del Norte), Chairperson, Committee on Labor and Employment, House of Representatives. It was one of the highlights of the Substantial Democracy Project "Seminar on Dynamics of Legislation and Parliamentary Procedures" held at the Imperial Palace Suites, Quezon City from 19 to 21 September 2001.

Aside from the FFW Legislative Agenda outlined in the Policy and Program of Action (PPOA) of the Federation presented to the Congressman, dialogue participants also brought to his attention several specific themes. Below is a hodgepodge of concerns aired by participants and accompanying suggested legislation during the discussions, which Rep. Barinaga vowed to consider thoroughly.

- Slash or remove taxes on the separation pay of employees who avail of early retirement or were retrenched
- Make employees who retire at age 40 avail of retirement benefits and lessen the mandatory "five years in service" before one can benefit from the same
- Bar companies from investing its employees' trust fund in its own company
- Exempt workers from paying annual income tax
- Repeal laws on the contractualization of labor
- Ban "apprenticeship" programs with a prolonged duration
- Don't create new institutions in lieu of old ones that are as incompetent
- Re-consider all proposals to revise the Labor Code forwarded by the Federation, which were omitted from the Labor Commission Report
- Expedite the arbitration process involving labor cases
- Give contractual workers the right to unionize and bargain collectively; categorize placement/hiring agencies as a company
- Do not limit "gross" violations to economic provisions of the CBA only; Regard all types of violation as unfair labor practice
- Ensure workers' separation benefits shall have preference over others when companies shut down
- Compel employers to give workers a just share of companies' profits
- Ensure employment security and security of unions
- Investigate or make a Congressional inquiry regarding Meralco Foundation, whose Board of Trustees remain unaccountable, even to government

# In pursuit of Decent Work in the region

*Statement by FFW National President Ramon J. Jabar, official workers' delegate of the Philippines to the 13<sup>th</sup> Asian Regional Meeting of the ILO held in Bangkok from 28 to 31 August 2001*

We come to this conference at a time when the National Convention of the Federation of Free Workers in the Philippines, held in May this year adopted a Decent Work Agenda to guide our policies and program of action in the next five years.

Soon after, our own government, with our active participation, and through social dialogue adopted the framework of Decent Work in the employment chapter of our Medium Term Philippine Development Plan.

Showing how social dialogue could be maximized to confront the challenges to labor and employment, the social partners in the Philippines together have drawn appropriate policies and programs in an Employment Summit that was held in March this year.

Yet we are very much aware that our own national efforts are not nearly enough, in face of the daunting challenges posed to our developing country to shape up to a harsh global competition accompanied by intermittent global regional crises.

That is why, we think, that the Report of the Director General on "Decent Work in Asia" very much reflects our own concerns.

We know for a fact, in addition, that the ILO Manila Office is in the process of setting up a Decent Work pilot program in the Philippines, in order to help

determine what else the ILO can do to help our country narrow the gap of decent work whose standards were set by the International Labour Conference some years back. The FFW and the Labor

*‘ Not only are unions contracting in all of Asia because of globalization; the legal and practical guarantees of freedom of association and free collective bargaining are simply still absent in many countries. ’*

**- Ka Ramon**

Solidarity Movement are more than willing and happy to give our full cooperation in such an effort.

For, indeed, if there is a phrase that should encapsulate the laudable work that the ILO has done in the past and should continue to do in the years ahead, it is Decent Work. We believe that at a time of constant changes towards global integration, the

components of this program, when comprehensively and coherently put together according to the possibilities of countries and regional cooperation, are more than enough challenges for all the social partners to confront and surmount.

Under a regime of globalization, the ILO, however, is not the only institution that shapes global policy. Unfortunately, the ILO is seen really as a junior partner by the WTO, the regional trade agreements, and the International Financial Institutions, in all global efforts to make the world a better place for all to live and work.

We refer, for example, to the Regional Technical Assistance (RETA) between ILO and the Asian Development Bank (ADB). This ILO-ADB RETA in itself is a move forward to help the ADB install a more comprehensive social dimension to its lending policies in the region, specifically in respect to eliminating child labor, sexual discrimination and occupational hazards. However, it fails to address the more central issues, which are freedom of association

and free collective bargaining.

How, may we ask, can we tap the potentials of trade unions and other workers' organizations to promote and support anti-poverty programs and to empower the marginalized sectors, when their right to associate and bargain continue to be curtailed?

Moreover, many social partners in Asia would choose to ignore the precepts of Decent Work, despite the fact, for example, that the ratification by the countries of the Core International Labor Standards in the past five years or so have been wonderfully positive and encouraging.

Therefore, we wish to draw attention particularly in respect to Convention 87 and 98, that most Asian countries are reported to have ratified. But reality check dispels that seeming positive development. Not only are unions contracting in all of Asia because of globalization; the legal and practical guarantees of freedom of association and free collective bargaining are simply still absent in many countries.

We must propound the opinion

that the prospects of social dialogue, as a means to draw the cooperation so necessary to narrow the decent work deficit can only be inadequate under regimes that curtail the more fundamental right to self-organization and collective bargaining.

We must emphasize in much the same vein that the growing social tensions attendant to our inability to manage change, in a period of intermittent crisis, can not be dissipated unless the shackles to self-organization are lifted, and until the spirit and the letter of the Core International Labor Standards find themselves solidly enconced in national law and global practice.

We propose that by adopting Decent Work as the overarching goal of globalization, ILO and the rest of our global social partners can yet help in liberating the vast potential of workers to pursue a seamless integration of a truly human global order.

We hope that this Meeting will spell the difference in guiding all our actions during these troubled times.

## Asian meet tackles 'decent work' (cont.)

direction and sustainability of the global economy." He described the region as having "tremendous dynamism, energy and resilience, even in the midst of social tensions and unresolved development problems." It is for this reason that he believes Asia's potential to influence the course of globalization is enormous.

He further explained that "decent work is a development strategy. It is a goal and not a standard. It does not offer a one-size-fits all solution."

### Delegation

Mr. Jabar, official workers' delegate of the Philippines, was among 194 delegates and advisers from 30 member States and territories who attended the meeting. Also in attendance were FFW President Emeritus Juan C. Tan, representing the Brotherhood of Asian Trade Unionists (BATU), which has regional consultative status with the ILO and Confederal Secretary Nicetas Lucero of the World Confederation of Labor (WCL) representing international non-government organizations.

Other members of the Philippine Tripartite Delegation to the 13<sup>th</sup> Asian Regional Meeting were: Undersecretary Manuel G. Imson and Assistant Secretary Florenda L. Herrera of the Department of Labor and Employment (DOLE), government delegate and adviser respectively; and Mr. Ancheta K. Tan of the Employers Confederation of the Philippines, employers' delegate. DOLE Secretary Patricia Sto. Tomas also attended the meeting as a Minister. BATU program officers Estenio Tunac and Atty. Vicenta De Guzman were also on hand.

The Report of the Director-General on "Decent Work in Asia: Balancing the Decent Work Deficit," also presented in video form was the main document used for discussion during the meeting.



ALL EARS. FFW President Ramon J. Jabar (4<sup>th</sup> from left) listens to a co-delegate during the 13<sup>th</sup> ILO Regional Meeting in Bangkok. With him are, from left DOLE USec. Manuel Imson, DOLE Sec. Patricia Sto. Tomas, Employers' delegate Ancheta Tan, (second row) WCL Confederal Sec. Niece Lucero and BATU Program officers Estenio Tunac and Vicenta De Guzman.

from the mailbox



August 27, 2001

Dear Friends,

I just received the Appreciation Award and the Souvenir Program of the 50<sup>th</sup> Anniversary. Thank you for remembering me after 29 years.

The few years I spent working with the FFW were among the most memorable in my life. I will never forget the enthusiasm and courage of all the young militant men and women who fought for justice in the working places.

Looking through the Souvenir Program, I felt so much joy when I saw the names of San Pedro Hospital, Holy Cross, Ateneo, among the successful unions in Davao. I was there at the beginning and to see you still there, after 30 years, means so much for me. Congratulations to the leaders!

Would you please extend my congratulations to Juan C. Tan and Ramon J. Jabar whom I always admired for their determination and talent.

Sincerely yours,

André Girouard  
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## Asian meet tackles 'decent work'

**Define a tripartite plan of action for decent work integrating fundamental rights at work; greater opportunities for decent employment; social protection, with occupational safety and health standards; and, increased social dialogue.**

Thus, delegates to the 13<sup>th</sup> Asian Regional Meeting of the International Labor Organization (ILO), held in Bangkok from 28-31 August, have appealed to its member States.

They declared that respect for international labor standards is important to achieve decent work, providing a positive framework within which to fashion more adequate responses to social problems and structural changes resulting from economic downturn and globalization.

Delegates also stressed the importance of employment generation as the central element in the Decent Work Agenda and as the principal means to reduce poverty.

### Ratify, implement core conventions

Recognizing the importance of freedom of association and collective bargaining as the fundamental foundations for constructive social

dialogue, some government and workers' delegates, including FFW National President Ramon J. Jabar, urged member States to ratify and fully implement Conventions No. 87 and No. 98. (*see the text of Mr. Jabar's address to the meeting*)

They acknowledged that social dialogue has been instrumental in minimizing the social costs during the Asian financial crisis. In the light of looming global economic downturn, delegates exhorted the ILO to provide timely technical assistance to member States in strengthening the capacity of social partners to engage in constructive dialogue and in improving social dialogue mechanisms at all levels.

### Asia could affect globalization's course

ILO Director-General Juan Somavia, who addressed the meeting emphasized, "Asia is central to the future

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