

Asia Pacific Labour Law Review

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Workers' Rights for the New Century

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AMRC is an independent non-governmental organisation
that focuses on Asian and Pacific labour concerns.

The Center provides information, research, publishing, training, labour networking
and related services to trade unions, pro-labour groups, and other development NGOs.
AMRC's main goal is to support democratic and independent labour movements in Asia and the Pacific.
In order to achieve this goal, AMRC upholds the principles
of workers' empowerment and gender consciousness, and follows a participatory framework.

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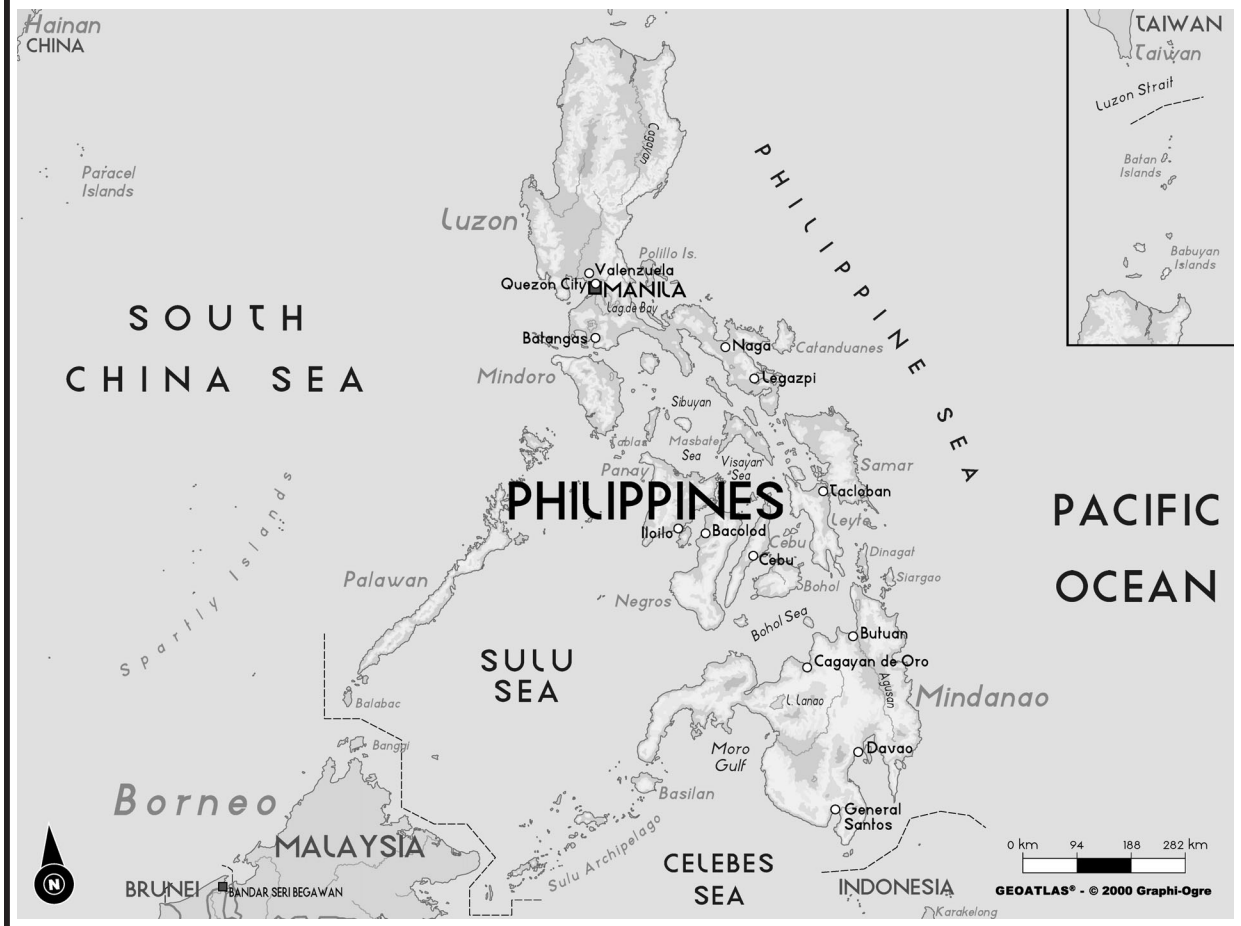
A Century of Labour Rights and Wrongs in the Philippines

Paul L Quintos

The Philippine labour movement celebrates an important milestone this year. 2 February 2002 marks the centennial of the militant trade union movement in the Philippines. It was on this date, 100 years ago, when the country's first labour federation, Union Obrero Democratica (UOD), was established in the first labour congress ever to be held on Philippine soil.

UOD was led by veterans of the Philippine independence struggle against Spanish colonialism. It was immediately crushed by US colonial authorities who had taken over the archipelago almost as soon as Filipino revolutionaries had liberated the country from three centuries of Spanish colonial rule.

After UOD was crushed, it was only towards the latter years of the harrowing US 'pacification' drive in the Philippines, that US colonial authorities allowed the formation of another labour organisation. The Union del Trabajo de Filipinas (UTF) was recognised by the US colonial government in 1908 on the premise that it would maintain a corporatist and non-political orientation. Indeed, UTF's constitution and by-laws had to be approved



by then American Governor General William Howard Taft. It was also in the same year that the Bureau of Labour was created under the Department of Trade and Police (now defunct) to manage labour disputes and quell labour strikes in the colony. This set the pattern of official state policy on labour ever since: suppression of the militant labour movement and strikes, co-optation through corporatist or economic unionism, and state intervention in labour disputes in favour of capital.

In the mid-1930s a major body of labour laws giving some form of legal protection to workers were enacted. The laws included: an eight-hour labour law (Commonwealth Act No. 444), extension of workmen's compensation (CA 84 and 210), minimum wage for certain categories of workers (CA 37, 211, 317), establishment of Government Service Insurance System (CA 186), legal protection to members of 'legitimate labour unions' (CA 213) and the creation of the Court of Industrial Relations (CA 013) for the compulsory arbitration of labour disputes.¹

These reforms "were meant to dampen the raging labour unrest, which was part of a bigger social and peasant unrest that hit the country in the 1930s".² The decade saw the development of a progressive anti-imperialist

labour movement integrated with the peasant movement. The other side of the 'social justice programme' was the suppression of this militant trend in the colony. In 1931, all 300 delegates of the Katipunan ng mga Anakpawis – which had led numerous strikes and called for complete Philippine independence from US imperialism - were arrested during their annual congress. In the same year, May Day demonstrations were prohibited. The Communist Party of the Philippines (CPP) – which was exerting a growing influence in the labour movement - was forced underground when it was outlawed in 1933, three years after it was founded.

The Philippines was granted nominal independence in 1946 but the US ensured that the country would remain its neocolony. This was done by imposing unequal treaties, propping up a succession of puppet governments and maintaining a mercenary proxy army beholden to US imperial might.

In the 1950s, the government passed two landmark labour laws: the 1951 National Minimum Wage Law and the 1953 Industrial Peace Act or the Magna Carta of Labour along with the ratification of major International Labour Organisation (ILO) conventions such as the Freedom of Association Convention. The Industrial Peace Act –

Labor Force Statistics, January 2002

| | 2001 | 2002 | increase (decrease) |
|-----------------------------------|--------|--------|------------------------|
| Philippine Population (in 000) a/ | 77,898 | 79,476 | 1,578 |
| Labor Force (in 000) | 31,693 | 33,098 | 1,405 |
| Not in the Labor Force (in 000) | 16,720 | 16,741 | 21 |
| Participation Rate (in %) | 65.5% | 66.4% | 0.9% |
| Employed (in 000) | 28,096 | 29,705 | 1,609 |
| <i>By Sector</i> | | | |
| Agriculture | 10,252 | 11,006 | 754 |
| Industry | 4,682 | 4,596 | (86) |
| Services | 13,161 | 14,104 | 943 |
| <i>By Class of Worker</i> | | | |
| Wage & Salary | 14,406 | 14,410 | 4 |
| Own-account | 10,459 | 11,265 | 806 |
| Unpaid Family workers | 3,230 | 4,030 | 800 |
| <i>By Hours Worked</i> | | | |
| 40 hrs. or more | 19,264 | 17,871 | (1,393) |
| Less than 40 hrs. | 8,486 | 11,328 | 2,842 |
| Unemployment Rate (in %) | 11.3% | 10.3% | -1.0% |
| Underemployment Rate (in %) | 16.9% | 15.9% | -1.0% |

a/ medium projections

Source: National Statistics Office

modelled on the US's own 'New Deal' National Labour Relations (Wagner) Act of 1935 - made enterprise-level collective bargaining mandatory to encourage a shift towards localism and economic unionism away from mass-based political struggles. This was combined with a clampdown on the Congress of Labour Organisations (CLO) which spearheaded numerous strikes affecting government corporations and US multinational corporations (MNC) during this period. The CLO was forced underground in 1951 when the government cancelled its registration, arrested and imprisoned open leaders.

At the height of martial law (1972-1981), during which demonstrations and strikes were prohibited, President Ferdinand Marcos promulgated the 1974 Labour Code of the Philippines. It revised and consolidated some 70 pieces of labour and social legislation, laying down the government's overall thrust of promoting collective bargaining within the framework of the government-run compulsory arbitration system administered by the National Labour Relations Commission (NLRC). The new Labour Code also enshrined tripartism as an official state policy. "Tripartism was seen by the Marcos regime as an instrument to achieve control over the working class through the co-operation of a unified labour centre under the Trade Union Congress of the Philippines (TUCP)..."³ The TUCP was the only labour centre recognised by the dictatorship and came to dominate the trade union movement in the country until it was eclipsed by the militant Kilusang Mayo Uno (KMU) soon after the latter was founded in 1980.

The Marcos dictatorship was toppled by a popular uprising in 1986. Upon Corazon Aquino's election as President, there was a brief spell of liberalisation and expansion of trade union rights such as reducing the strike vote requirement to a simple majority. But within a year, the business community had pressured the Aquino government to clamp down on strikes (which peaked in 1986) by invoking repressive martial law-vintage decrees such as Batas Pambansa (BP) 130 of 1981 which prohibited work stoppages in 'vital industries' and BP 227 which prohibited picketing. The Aquino government also liberally aborted strikes by assuming jurisdiction over labour disputes that threatened the national interest.

The Aquino government enacted two major labour laws in 1989: the Wage Rationalization Act (RA 6727)

dismantled the national minimum wage by devolving minimum wage determination to Regional Tripartite Wages and Productivity Boards; and the New Labour Relations Act (RA 6715) mandated grievance procedures at the enterprise level, required 'voluntary arbitration' as the last step in the grievance machinery and strengthened the government's ability to intervene in labour disputes through an expanded NLRC. These new regulations served to atomise and dissipate workers' concerted actions through decentralised and more protracted legal procedures.

No major legislative amendments to the labour code has been enacted since then although the Department of Labour and Employment (DOLE) has, at various times, issued or revised rules and regulations to implement existing laws in the form of Department Orders that have had significant juridical implications.

Impact of globalisation on labour

But changes in the labour landscape in recent decades have been considerable even without major amendments to the labour code. The last two decades of neoliberal reforms in the Philippines have seen the most intense opening up of the country to foreign capital in its history. Tariffs have been slashed, 100 percent foreign ownership of industries allowed, utilities and strategic industries deregulated, government assets privatised and capital flows liberalised. All these reforms were enacted under the diktat of US-dominated institutions, the International Monetary Fund (IMF) and the World Bank (WB).

The liberalisation programme was accompanied by greater regional integration with the establishment of the ASEAN Free Trade Area (AFTA) and the Asia-Pacific Economic Co-operation (APEC). Accession to the World Trade Organisation (WTO) in 1995 has since governed much of economic policy making in the country.

But as the 2002 Philippines Human Development Report (PHDR) puts it, 'while there has been structural change, it is of the wrong kind'.

Contrary to neoliberal globalisation's promise of industrialisation, the share of industry to total employment and output in the Philippines has remained stagnant over the last three decades. Neither has agricultural

liberalisation helped the farming sector. A US\$1.3 billion agricultural trade surplus turned into a US\$3.5 billion deficit after the country's accession to the WTO. As a result, the agricultural sector lost over a million jobs between 1994 and 2000, increasing rural poverty by 690,000 families.

Jobless growth

In the first quarter of 2002, the number of jobless Filipinos reached 4.8 million, pushing the unemployment rate to 13.9 percent. This year's unemployment rate may even top last year's 11.2 percent – the worst rate for over 40 years.

2,700 Filipinos leave the country each day to work overseas. Labour export has become an increasingly important outlet for surplus labour over the last two decades. The number of overseas Filipino workers (OFW) has more than doubled from 372,784 in 1985 to 866,590 in 2001. OFW deployment has increased faster than domestic job creation.

With no meaningful safety nets apart from kinship and community, most Filipinos simply cannot afford to be unemployed. Given this, official unemployment figures do not reflect the severity of the jobs crisis in the country. Hence, it is also revealing to add the five million underemployed and the estimated eight million OFWs to these unemployment figures.

The growing number of workers who are not able to find regular employment in agriculture, industry or overseas are forced to rely on themselves to eke out a living as 'own-account workers' (self-employed), mostly in the informal sector.

The ILO estimates that informal sector employment (own-account workers and unpaid family workers) has made up around half of total employment in the Philippines over the last 50 years. Enterprise-based workers account for a mere 10 to 15 percent of total employment according to census figures. These figures reveal that the overwhelming majority of Filipino workers - especially women - are idle or else trapped in stagnant, low-productivity informal sector employment. This is characterised by job insecurity, highly irregular and meagre



Striking Nestlé workers dispersed with water cannon, July 2002 (Credit: Carol Claudio)

incomes, and precarious employment. In essence, they form an extension of the reserve army of labour.

Labour feminisation

Amid the massive exposure of the country to both manufactured imports and subsidized agricultural products of foreign monopolies, trade liberalisation has also encouraged a shift towards the non-tradeable sectors of the economy, services and the informal sector where more women have found employment.

Thus the increased participation of female labour has outpaced that of men. This also explains in part why women experience lower unemployment rates than men since 1999.

But these do not refer to knowledge-based service industries such as dot.coms, telecommunications, finance, research and development, and other high-tech and highly-paid occupations that have characterised the shift to services in advanced capitalist countries.

In the Philippines, the population of service workers is largely represented by the semi-proletariat such as hawkers, home workers, and other own-account workers. Many of these workers, especially in rural areas, are sidelining peasants.

In other words the feminisation of labour in the Philippines is more of a survival strategy for working-class households whose incomes have declined and whose jobs are increasingly temporary, rather than a response to wider job opportunities for women in the economy. More household members are forced to work to make

ends meet, as well as to spread risks associated with insecure and irregular incomes.

Women also comprise a growing proportion of migrant workers: from 12 percent of all OFWs in 1975 to around half last year. This means an average of 1,600 Filipina women leave the country daily to work as domestic workers, nannies, caregivers, nurses, and entertainers - often a euphemism for prostituted women.

Low-wage employment

Alongside the jobless growth, per capita income has remained stagnant. Likewise, real wages today are barely above 1980 levels. After declining in the crisis years of 1981 to 1984, real wages rose from a low point in 1984 to peak in 1990. But after the national minimum wage was dismantled in 1989, and the beginning of the second phase of trade liberalisation in 1990, real wages have fallen steadily to levels of around two decades ago.

Today, the daily minimum wage of PhP 250 (around US\$5) in Metro Manila (where it is highest) is less than half the cost of living for a family of six (average in the Philippines), now estimated at nearly PhP 540 (US\$10).

Women earn less than men, even when performing the same work. Among production workers, the ratio of women's wages to men's in 1992 ranged from 42 percent for workers in the 51-65 age bracket, to 89 percent for those in their early 20s. Women's wages are close to men's only in low-wage occupations where they form the majority, such as clerical and sales positions.

Labour contractualisation

Low wages, irregular, or atypical forms of employment have been rising, as capitalist-employers dismantle hard-won rights such as job security and minimum wages which they consider as 'rigidities' in the labour market. Flexible labour on the other hand, allows capitalists to drive down workers' wages and benefits and preclude workers organising and bargaining collectively.

Women workers are especially targeted by contractualisation. Because women give birth, and are expected to take the lead in home- and family-building according to feudal-patriarchal convention, women workers have a higher rate of 'voluntary turnover'. Furthermore, women workers' double burden also restricts their ability to be more active in unions. This makes

them ideal contractual employees in the eyes of capitalist-employers.

Despite fairly extensive legal rights on paper, worker repression did not end with the fall of the Marcos dictatorship.

Overview of workers' rights under the law today⁴

Equal work opportunities for all

The State shall protect labour; promote full employment; provide equal work opportunity regardless of gender, race, or creed; and regulate employee-employer relations.

Male and female employees are entitled to equal compensation for work of equal value and to equal access to promotion and training opportunities. Discrimination against female employees is unlawful. It is also unlawful for an employer to require a condition of employment that a woman employee shall not get married or to stipulate expressly or tacitly that a woman employee shall be deemed dismissed upon marriage.

The minimum age of employment is 18 years for hazardous jobs, and 15 years for non-hazardous jobs. But a child below 15 may be employed by parents or guardians in a non-hazardous job if the employment does not interfere with the child's schooling.

Work days and hours

The normal workday is eight hours. This includes breaks or rest period of less than one hour, but excludes meal periods, which shall not be less than one hour.

An employee must be paid his or her wages for all hours worked. If all or any part of his or her regular work hours falls between 10:00 p.m. to 6:00 a.m., he or she shall be entitled to a night shift pay in addition to his or her regular work hours. If an employee works more than 8 hours in one day, he or she shall be entitled to overtime pay, except when he or she is classified as managerial or field personnel, or is one who works in the personal service of another, or is one who is paid by result.

An employee may not be compelled to work overtime except during war, emergencies, disasters or calamities; when urgent repairs need to be undertaken; when work is necessary to preserve perishable goods, avoid serious obstruction or prejudice to the employer's busi-

ness; or take advantage of favourable weather conditions.

Wage and wage-related benefit

The wage may be fixed for a given period, as when it is computed hourly, daily or monthly. It may also be fixed for a specified task or result. If wage is for a fixed period, the minimum wage for a regular 8-hour workday shall not be lower than the minimum daily wage applicable to the place of work as determined by the Regional Tripartite Wage and Productivity Board (RTWPB) having jurisdiction over the employer. Currently, there are over 300 minimum daily wage rates across the country ranging from 52.36 for non-plantation agriworkers in Sulu to 250 for non-agri workers in the NCR (or US\$1 to 5 daily). These vary not just between regions, but within regions according to industry, firm capitalization, level of urbanization, and various other parameters set by the respective RTWPBs.

If wage is paid by result, the worker shall receive at least the prescribed minimum wage for 8 hours of work. The amount may be increased or reduced proportionately if work rendered for more or less than 8 hours a day.

An employer cannot make any deduction from an employee's wage except for insurance premiums with the consent of the employee, for union dues, or for withholding taxes, social security premiums and other deductions expressly authorised by law.

Safe working conditions

Employers must provide workers with every kind of on-the-job protection against injury, sickness or death through safe and healthful working conditions.

Protection includes provision of appropriate seats, lighting and ventilation; adequate passageways, exits and fire fighting equipment; separate facilities for men and women; appropriate safety device like protective gears, masks, helmets, safety shoes, boots, coats or uniforms; medicine, medical supplies or first aid kits; free medical and dental services and facilities, the kind of which depends on the number of employees and the nature of the work.

Rest days and holidays

Employees are entitled to rest days which refers to any rest period of not less than 24 consecutive hours after not

more than six consecutive work days. Holidays or Special Days refer to days classified as such by law or declared by competent public authority, whether or not it falls on an employee's work day or rest day. Currently, there are 12 regular holidays recognised under the law.

Leave

The three types of leave which an employer is obliged to extend to its employees are:

Service Incentive Leave (SIL), which refers to a five-day leave with pay to which an employee is entitled after one year of service. Unused SIL may be converted to cash at the end of each year of service, and the computation shall be the salary rate at the time of conversion.

Maternity Leave, which refers to the leave granted to the occasion of childbirth, abortion or miscarriage of a female member of the social security system (SSS) who has paid at least three monthly contributions in the 12-month period immediately preceding her childbirth or miscarriage. During her maternity leave, the female employee shall be paid an allowance equivalent to her average monthly salary credit for 30 days in case of normal child-birth, abortion or miscarriage, or for 78 days in case of caesarean delivery. This allowance shall be advanced by the employer, subject to reimbursement from the SSS.

Paternity Leave, which allows a male employee a leave of seven days with full pay when his legitimate spouse gives birth or suffers miscarriage, is enjoyed by the employee for the first four deliveries of his legitimate spouse.

Social legislation

The main social security programmes are: 1) the Employees Compensation Programme, which provides employees and dependents with tax-exempt income and medical benefits in case of work connected disability or death; 2) the Social Security Programme, which provides tax-exempt benefits for employees and their families in case of disability, sickness, old age or death; 3) the Housing Programme, which provides employees who are members of SSS housing loans.

Also a part of social legislation is the retirement law, which provides retirement benefits equivalent to 22.5 days salary for every year of service for optional retirement at 60 under RA 7641 or under applicable agreement or for compulsory retirement at age 65.

Security of tenure

Every employee shall be assured security of tenure. No employee can be dismissed from work except for a just or authorised cause, and only after due process.

- Just Cause refers to any wrongdoing committed by an employee including serious misconduct, wilful disobedience of employers' lawful orders connected with work, gross and habitual neglect of duty, fraud or wilful breach of trust, commission of crime or offence against the employer or employer's family or representative; and other analogous cases.
- Authorised Cause refers to an economic circumstance not due to the employee's fault, including the introduction of labour-saving devices, redundancy, retrenchment to prevent losses, and closure or cessation of business.
- Due Process in cases of just cause involves notice to employee of intent to dismiss and grounds for dismissal, opportunity for employee to explain his or her side, and
- notice of decision to dismiss.

In authorised causes, due process means written notice of dismissal to the employee specifying the grounds, at least 30 days before the date of termination.

The inability of a probationary employee to meet the employer's prescribed standards of performance made known to him or her at the time of hiring is also a just cause for dismissal.

Right to self-organisation and collective bargaining

Except those classified as managerial or confidential, all employees may form or join unions for purposes of collective bargaining and other legitimate concerted activities. An employee is eligible for membership in an appropriate union on the first day of his or her employment.

Collective Bargaining is conducted at the enterprise-level involving the representative of the employer and a union duly authorised by the majority of the employees within a bargaining unit called exclusive bargaining agent. It is a process where the parties agree to fix and administer terms and conditions of employment which must not be below the minimum standards fixed by law and to set a mechanism for resolving their grievances.



Young woman welding in a machine tool factory (Credit: J Maillard. Copyright: ILD)

The result of collective bargaining is a CBA, generally with a term of five years. The provisions of a CBA may be classified as political or economic. Political provisions refer to those which define the coverage of the CBA and recognise the collective bargaining agent as the exclusive representative of the employees for the term of the CBA. Economic provisions refer to all terms and conditions of employment with a monetary value. Economic provisions have a term of five years but may be renegotiated before the end of the third year of affectivity for the CBA.

The right to strike⁵

The law recognises two grounds for the valid exercise of the right to strike or lockout: collective bargaining deadlock (CBD) and/or unfair labour practice (ULP) – employer interference that serves to restrain or coerce employees in the exercise of their right to self-organisation.

A strike notice must be filed with the National Conciliation and Mediation Board (NCMB) at least 15 days before the intended date of the strike if the issues raised

are ULP, or at least 30 days before the intended date if the issue involves CBD. The strike must be approved by a majority vote of the members of the union, obtained by secret ballot. The strike vote must be reported to the NCMB-DOLE regional branch at least seven days before the intended strike.

The President of the Republic or the Secretary for Labour and Employment may assume jurisdiction over a labour dispute and certify it for compulsory arbitration to protect the national interest. In which case, a strike cannot proceed. The President and the Labour Secretary are ‘vested with the discretionary power in ... the determination of the industry indispensable to national interest’.

Blockading or effectively obstructing the points of entry and exit to company premises is prohibited by law.

Labour disputes

A Labour Dispute is any controversy or matter concerning the association or representation of persons for purposes of collective bargaining, or concerning terms or conditions of employment, including violations of labour standards, labour relations, and welfare and social laws.

Labour Standard Disputes include non-payment or under-payment of wages and wage-related benefits and violations of health and safety standards.

Labour Relations Disputes include employee discipline or dismissals, unfair labour practices, disputes arising from the right of unions to represent employees for purposes of bargaining, bargaining deadlocks, strikes and lockouts, contract administration, and personnel policy disputes.

Welfare and Social Legislations Disputes refer to claims arising from failure of the employer to comply with its social and welfare obligations under the law, such as remittance of SSS premiums and Employees Compensation Commission (ECC) contributions, or failure to pay social benefits including maternity pay, medicare and disability compensation.

Employees can seek remedy from:

- the Regional Office (RO) of the Department of Labour and Employment (DOLE) – for labour standards disputes, including simple money claims not exceeding P5,000.00, which arise out of employee-employer relations;

- the Labour Arbiter in the Regional Arbitration Branches of the National Labour Relations Commission (NLRC) – for labour relations disputes, particularly illegal dismissals with or without claim for reinstatement, unfair labour practices, strikes and lockouts and claims of damages;
- the Med-Arbiter of the DOLE-RO – for union representation disputes;
- the DOLE-RO or the Bureau of Labour Relations – for intra-union disputes and cancellation of union registration;
- the regional branches of NCMB – for bargaining deadlocks needing conciliation and mediation;
- the grievance machinery at the establishment, if any, then with the regional branches of the NCMB – for CBA administration disputes involving personnel policies;
- the Regional Branches of the ECC or the SSS – for social legislation disputes.

International labour standards

The Philippines has ratified seven of the ILO’s eight core labour conventions, not having ratified Convention No. 29 on Forced Labour.

Current labour law

Labour standards enforcement

The Secretary of Labour and Employment is vested with visitorial and enforcement powers under the law. This means the Labour Secretary through the Regional Director or an authorised representative can inspect or investigate the premises or records of an employer at any time whenever work is being undertaken. The power is intended to determine whether the employer is complying with labour standards or other obligations to its workers as prescribed by the Labour Code.

Through her enforcement power, the Secretary or Regional Director can 1) order an employer, after due notice and hearing, to comply with labour standards; 2) issue a writ of execution in case the employer does not honour the order of compliance; or 3) stop or suspend operations if the violation poses an imminent danger to the health and safety of workers.

However, despite the formal recognition of workers' fundamental trade union and democratic rights and minimum labour standards in the Philippines, the ILO laments that there is 'a weak culture of compliance' in place.⁶ Indeed, this understates the problem where violating labour standards and workers' rights are the norm. Of 33,907 establishments inspected by the DOLE in 2001, 52.2 percent were found violating general labour standards up from 51.3 percent in 2000. 26.4 percent violated the minimum wage law, up from 25.9 percent in 2000. Only 20.6 percent of firms violating labour standards were corrected, down from 23.3 percent the previous year.

In the Bicol region, 98.6 percent of establishments inspected violated general labour standards in 2001. In the National Capital Region (NCR) - where workers and governmental powers are most concentrated - 82.1 percent of establishments inspected violated labour standards and more than half violated minimum wage legislation.

These figures only cover firms inspected by the DOLE. With 250 labour inspectors, the department is only able to inspect around four percent of over 820,000 sites a year, not to mention the informal sector of the economy where close to half of the labour force works.

Furthermore, the DOLE's inspectorate is only concerned with monitoring compliance with occupational health and safety (OHS) standards, wages and wage-related benefits and leave mandated by law.⁷ On the other hand, workers and their bosses are largely left to their own devices when it comes to the observance of trade union rights.

Thus, while there is widespread violation of general labour standards (OHS, wages, and benefits), there is even less respect for trade union rights. This is confirmed by a recent survey of manufacturing firms in Metro Manila (NCR) which revealed that out of six ILO core labour standards, firms complied least with ILO Convention Nos. 87 and 98 on freedom of association and the protection of the right to organise. The same survey revealed that lack of management sincerity was ranked third by management respondents among the factors that hindered compliance to core labour standards, next to high costs of capitalization and low labour productivity.⁸

Indeed, workers' trade union and democratic rights are systematically and rampantly violated by capitalist-bosses, often with complicity of government officials at various levels.

Trade union repression

The systematic repression of workers' rights commences at recruitment, belying a government claim to safeguard equal work opportunities for all.

Big capitalist-employers routinely conduct checks to identify workers who have a history of union participation. Some applicants are made to sign blank papers unwittingly waiving their right to join unions. This is blatantly unconstitutional but no less effective because of its psychological impact on prospective employees. Applicants are also commonly required to obtain an endorsement from a local official (usually the 'baranggay' or village captain) who is tacitly expected to ensure that the prospective worker will not eventually cause trouble for the company, say by joining a union.⁹

In labour-intensive export manufacturing, the demographic profile of workers confirms that employers carefully discriminate among prospective applicants. Young female workers are preferred since they are believed to be less likely to complain and more likely to defer to older and/or male supervisors. Likewise young school-leavers are expected to be more deferential to authority at the workplace than to school or parental authority. Moreover, workers with no work experience are preferred because they are more easily conditioned to accept company rules and values.¹⁰

In labour-intensive manufacturing industries such as electronics, unmarried workers are also preferred to avoid paying maternity benefits. In a number of cases, companies even require workers to stay sexually inactive, forcing women workers to undergo virginity tests to prove this.

Preference is also given to members of conservative religious groups such as Iglesia ni Kristo (Church of Christ) which proscribe union membership or participation in strikes.

Some employers prefer migrant workers who have no local support network because they are expected to work harder. Other employers prefer local workers because it is easier to check their family and community back-

grounds. Applicants endorsed by the mayor or even higher officials are given priority in employment in exchange for the mayor's support for policing the industrial space and maintaining a union-free environment. Business thereby capitalises on patriarchal, paternalistic and patron-client relations existing in the community for purposes of labour control and trade union repression. These practices fall beyond the pale of the law.

During union organising drives, workers are subjected to threats of dismissal and other forms of harassment. Bosses often sow intrigue within the union, or employ yellow union leaders to derail the formation of genuine unions.

There are also complicated legal requisites and processes that workers must follow before their union acquires 'legal personality', for example DOLE Department Order No. 9 series of 1997 for union registration requires list of names and addresses of the union officials; minutes of the meetings of the organisation; records of the workers who attended the meetings of the organisation, and the signature of each; list of the names of the union members, their signatures, and the number must not be less than 20 percent of employees in the bargaining unit; financial statement of the union (two copies); the union's constitution and by-laws (CBL); minutes of the CBL ratification; and a list of signatures of the workers who attended the CBL ratification.

These requisites are often used by bosses to delay the formation of the union, as well as holding certification elections (CE) which establishes a union's right to represent workers in collective bargaining with management. More importantly, these requirements expose the officers and members of the union to discrimination and harassment by company bosses. Union members invariably face the risk of dismissal through attempts to form a union.

The converse to this is the legal provision allowing management to voluntarily recognise a new union in a previously non-unionised establishment as the sole and exclusive bargaining unit by simply issuing an affidavit to that effect. This provides management with an express route to establishing company unions. Many union activists have engaged in protracted union organising drives only to be informed by the DOLE or management that their erstwhile unorganised workplace already has a registered union, sometimes with a CBA to boot! For ex-

ample the National Federation of Labour Unions (NAFLU-KMU) encountered at least five such cases last year.

It is therefore no surprise that there were only 3.8 million workers organised in active unions in 2000. Of these, less than 500,000 are covered by CBAs or a mere 3.5 percent of all wage and salary workers.

Job insecurity

Workers' rights are further undermined in the absence of job security. In a recent survey of workers from small establishments in Metro Manila, only 23 percent of respondents had written employment contracts. The rest had only verbal agreements or none at all.¹¹ There are even cases where workers must sign undated resignation letters upon being hired.

Even in large establishments, a growing proportion of workers are denied job security as a result of labour flexibilisation schemes adopted by firms and promoted by the government.¹² The spread of labour contractualisation has meant the termination and replacement of regular (permanent) employees with contractual labour – whether through directly hired casuals, contractals, and apprentices or through subcontracting (labour-only-contracting).¹³ As a result, a growing number of workers are denied security of tenure; paid lower wages with little or no benefits; deprived of sufficient training and information on health and safety conditions at the workplace, thus, impairing their productivity and jeopardising OHS; and effectively denied the right to form and join unions, participate in collective bargaining, and wield the right to strike because of short-term status.

The government encourages flexible employment arrangements in the name of global competitiveness. This has been the official policy ever since President Aquino included it in the Medium-term Philippine Development Plan, the country's blueprint for progress modelled on neoliberal policy dictates of the IMF and the WB. The Ramos administration which succeeded Aquino's attempted to introduce Omnibus Amendments to the Labour Code (OALC), which among other changes sought to relax existing restrictions on labour-contracting and extend allowable apprenticeships. The OALC failed because of strong opposition from workers. The government, however, issued DOLE Department Order No. 10

in 1997 which provided a positive list of 'permissible contracting' activities that in effect liberalised areas for subcontracting and burdened workers with proving that an employer was actually resorting to labour-only-contracting (LOC), which is illegal.

This made it easier for illegitimate subcontractors to flout the law as misclassification of workers and LOC are not seriously monitored. Other employers directly hire permanent contractuales – casuals employed on three to five month contracts – always short of six months, when the law stipulates that a casual or contractual employee is automatically granted formal status.

Even if such employers are caught, they face no penalties or sanctions for misclassifying their workers or resorting to LOC. In short, capitalist-employers have everything to gain and nothing to lose in violating workers' right to security of tenure and circumventing the law.

Suppressing the right to strike

The right to strike is even more illusory.

Some 1.2 million government employees are legally denied the right to bargain collectively and to strike in accordance with Executive Order No. 180, Series of 1987 and Memorandum Circular No. 06 of the Civil Service Commission, which even the ILO Committee of Experts notes contravenes Convention 98 which the government has ratified.

In the private sector, RA 6715 grants the right to strike only to a 'legitimate' union which is the sole and exclusive bargaining agent in an establishment. Strikes can no longer be invoked for CBA violations except in extreme cases. Even then the DOLE has the right to determine what constitute gross violations of the CBA.

Before workers strike, they must submit a notice of strike (NOS) to the DOLE. It goes without saying that employers are thereby also notified. There is a mandatory cooling-off period of 30 working days for bargaining deadlocks and 15 working days in cases of ULP - enough time for bosses to prepare by moving out machinery, equipment, and materials, increasing the number of security forces, hiring scabs, and intensifying worker harassment.

When the strike action is finally launched, its impact is muted due to mandatory free movement across the picket line - allowing management to replace labour, production materials, and finished goods at the worksite.

Sympathy strikes are prohibited even though this is well within international human rights norms. Trade union leaders who engage in illegal strikes face dismissal and up to three years in prison – penalties deemed unduly restrictive of strike action and disproportionately harsh by the ILO's Committee of Experts.

Moreover, the Secretary of Labour can assume jurisdiction (AJ) over labour disputes and place them under compulsory arbitration (CA) whenever it is deemed in the national interest to do so. This aborts the strike action and compels workers to return to work if the strike is already ongoing.

The ILO's Committee of Experts has criticised this provision for being 'non-limitative' and extending to non-essential services in practice. For instance, out of 26 labour disputes placed under CA from January 2001 to June 2002, only 10 involved essential services or utilities. The rest involved companies in non-vital industries such as car manufacturing, electronics and hotels - mostly MNCs or affiliates.

If an AJ is not imposed, other capitalists obtain restraining orders from the courts. Bosses can also obtain injunction orders from the NLRC to stop specific acts in relation to strike action. The NLRC has jurisdiction over labour relations disputes including those placed under compulsory arbitration by the President or the Labour Secretary. A NLRC labour arbiter's decision can be appealed and referred to the Commissioners of the NLRC. Their decision, in turn, can be appealed and referred to the Court of Appeals, all the way to the SC.

What this legal maze demonstrates is that despite formal recognition of the right to strike, de facto state policy is to subvert this right. In fact in its annual performance reports the DOLE prides itself over the long-term decline in the number of strikes in the country since the implementation of RA 6715: from a peak of 581 strikes in 1986 to a 21-year low of 43 last year.

This, however, does not mean that industrial peace has been attained. In fact, the number of labour disputes has actually grown, only they are not considered legal under the law. From the 13,126 cases of compulsory arbitration in the regional arbitration branches of the NLRC in 1980, there were 31,444 in 1994 and 29,492 in 2001.

In short, while the right to strike and concerted action is severely curtailed, labour unrest is diffused by divert-

ing workers' grievances to a dispute settlement process that is highly legalistic, protracted, circuitous, and expensive for workers. This negates collective action, engenders dependence on lawyers, leaders, arbiters, and brokers, and fosters corruption.

According to a 2001 survey, 78 percent of Filipinos perceive government corruption to range from large to very large; 57 percent believe that judges can be bribed and 65 percent believe that lawyers are corrupt.¹⁴ Undue legalism in labour disputes - especially in a social context where corruption is pervasive and systemic - encourages backroom deals, which invariably favour the capitalist class.

Trade union and human rights violations

The severely restrictive parameters for legal strike action become justification for the violent dispersal of many a picket line - giving rise to numerous cases of human rights violations against workers.

Monitoring by the non-governmental organisation, Centre for Trade Union and Human Rights (CTUHR), indicates that cases of human rights violations against workers doubled from 109 in 2000 to 218 in 2001. The largest rises were in cases of assault (from 66 to 116) and coercion (from four to 52), perpetrated mostly by police and company guards and goons. In the first quarter of 2002 alone, the CTUHR has documented 48 cases of HRVs committed against 1,879 workers on picket lines.¹⁵

In particular, Toyota, Honda, Nissan, and Yokohama were made virtual showcases of the President's efforts to appease Japanese and other foreign investors in the country. Previously, these MNCs threatened to transfer their businesses elsewhere if trade union militancy were not curtailed, prompting the government to assume jurisdiction over these disputes then employing excessive force in dispersing the picket lines.

Under the present administration, there is an alarming trend towards the militarisation of picket lines. In the Nissan strike alone, some 700 Regional Special Action Forces (RSAF) - the counter-insurgency unit of the Philippine National Police (PNP) - were used to disperse the picket line and crack down on union leaders. In crushing the Yokohama strike, the PNP employed some

300 policemen and special weapons and tactics (SWAT) members. At Toyota Motors, helicopters and land vehicles escorted by armed RSAF transported scabs and production machinery in and out of the factory. The president of the Milagros Farm Workers Union was murdered on 25 October a few metres from his house in broad daylight, allegedly by paramilitary forces and members of the Fifth Infantry Battalion of the Philippine Army.

Workers who are violently dispersed are further battered by criminal charges. Last year alone, workers from 16 out of 29 companies where strikes were violently dispersed were charged variously with charges such as malicious mischief, grave coercion, robbery, arson, estafa (fraud), and economic sabotage.

No union - no strike zones

The establishment of export processing zones (EPZ), special economic zones, and industrial estates is welcomed not only by foreign investors but also by local companies in part because of an unwritten no union, no strike policy enforced in these zones. In the 2001 elections for example, the winning candidate for governor in Cavite - host to the country's largest EPZ - openly solicited the support of business groups by promising to ban strikes and rid the province of unions.

In the EPZs, the Philippine Economic Zone Authority (PEZA) serves as a virtual extension office of the human resource departments of foreign-owned companies. PEZA and local government officials routinely ignore workers' grievances or abide by the dilatory tactics of company bosses. In the Cavite Export Processing Zone (CEPZ), PEZA officials allowed several companies (e.g. Hackflon Garments Inc., Ultimate Electronic Components) to end operations last year as a union-busting tactic while they transferred production to other locations. The chief of PEZA's Industrial Relations Division even joined strike breakers in the violent dispersal of picketing workers at Triple Eight Garments Mfg Corp and Sun Kim Apparel Phils according to the Solidarity of Cavite Workers.

Hence the generally restrictive conditions faced by workers in the Philippines is even more pronounced in EPZs - affecting women workers most of all since they comprise a majority of the workforces there.

Philippine labour movement: still making history

Laws mirror the existing balance of forces in society. Like all state instruments, laws are ultimately wielded by those in power to further their economic and political interests. Contemporary Philippine labour law is the product of a century of conflict between labour and capital. Both in practice and in non-implementation, these laws display the relative power of dominant forces in Philippine society and ultimately serve the interests of local and foreign elites.

It is to the credit of the Philippine labour movement that ever since its birth 100 years ago, workers' struggles have been closely allied with the movement of other exploited and oppressed sectors in society against foreign domination, fascism and predatory elites through parliamentary and especially extra-parliamentary means – through mass-based political struggle. Being at the forefront of the people's movement, the militant labour movement's political influence goes far beyond what mere figures on union density suggest.

This militant and patriotic tradition was once more affirmed as labour comprised the bulk of the broad-based people's movement that ousted President Estrada in January 2001. In a repeat of People Power that toppled the Marcos dictatorship 16 years ago, the Filipino people filled the streets in hundreds of thousands to overthrow the incumbent president who was known for corruption, criminality, and pugnacious stance versus dissent.

Apart from amassing US\$63.5 million, he used his political influence to divert social security funds to inflate the value of his stock market portfolio. He openly sided with cronies involved in labour disputes, such as Lucio Tan who dismissed over 5,000 employees of the Philippine Airlines and declared a moratorium on collective bargaining for 10 years. Likewise, Estrada condoned the union-busting tactics of Emilio Yap, a crony who owned the Manila Hotel. Over 600 striking workers plus supporters were violently dispersed by state forces in early 2000, hurting scores of people including KMU Chairperson Crispin Beltran who was choked and dragged by armed police officers and SWAT members.

The militant KMU was the first labour centre to openly call for Estrada's removal from power in its 1999 National Council meeting. The KMU initiated 123 mass protest actions throughout the following year, spear-headed the formation of the workers alliance dubbed Workers Against Erap, and was a pillar in the broad multi-sectoral alliance Estrada Resign Movement.

In March 2000, public utility jeepney drivers all over the country led by the Unity of Organisations of Jeepney Drivers and Operators staged a transport strike not only to protest the spate of oil price hikes, but to declare their dissatisfaction with the Estrada presidency. Transportation in various major cities and provinces were paralyzed. Tricycle and bus drivers participated in the strike, and several local governments suspended operations in support of the strike.

On 22 July 2000, as Estrada was slated to deliver his second State of the Nation Address, progressive and militant people's organisations were prevented from gathering in areas surrounding the House of Representatives where they had scheduled a big demonstration to give lie to Estrada's reports that he still had the complete support of the poor. The government deployed thousands of police and SWAT to block the protesters and arrest demonstration leaders. Violence broke out, and civilians were literally beaten back. Despite the harassment, the demonstration swelled to over 10,000 and the protest programme resumed a few kilometres away from the intended venue. Most participants were workers.

In response to the increasingly violent suppression of workers' concerted actions, church-based groups, non-governmental human rights institutions and other labour advocates revived the National Coalition for the Protection of Workers Rights (NCPWR) in August 2000.

During the dark days of the Marcos dictatorship, the NCPWR was instrumental in exposing human rights violations perpetrated against workers in strikes which erupted despite the martial law ban. The revived NCPWR, like its predecessor, was led by individuals from Protestant and Catholic church-based institutions, as well as by members of the laity. It also denounced Estrada for his role in raising the levels of workers' human rights violations.

Other significant developments

Judicial legislation

No new labour legislation has so far been enacted by parliament but there have been developments in labour jurisprudence. The SC recently upheld the decision of Philippine Airlines' management to declare a 10-year moratorium on collective bargaining, which is a constitutional right. The SC also reversed a ruling made by the NLRC reinstating 3,000 workers of the MNC agri-business giant Dole who were laid-off as a cost-cutting (cum union-busting) measure. The SC reasoned that management has the prerogative in implementing cost-cutting measures - including retrenching workers – even if the company wasn't in the red. In a case involving the country's biggest conglomerate, San Miguel Corporation (SMC), the SC recently ruled that companies can make redundant positions held by 'undesirable' or 'worst performing workers' as judged by management. In practice, this would naturally include union leaders and activists.

In separate cases involving SMC and InterPhil Laboratories, the SC declared that boycotting overtime work, work slowdowns and work stoppages as forms of collective protest are essentially different forms of illegal strikes. The SC reasoned that the existing CBAs in these companies recognised that work schedule was the sole prerogative of management and only the latter could change it. In the case of SMC, the court went further, saying that even in the absence of explicit provisions in the CBA, work slowdowns are illegal, describing them as 'strikes in instalments' and 'economic sabotage'. As such, union leaders who initiate such forms of industrial action face dismissal and imprisonment.

New rules on subcontracting

In the Labour Department, one of President Arroyo's first acts was to repeal DOLE Department Order No. 10-97 in response to workers' demand for greater job security. But this has since been replaced by a new order (Department Order No. 18, series of 2002) which no longer contains a positive list of permissible contracting activities but narrowly defines security of tenure within the duration of a contract for temporary employment. Moreover, LOC and other violators still face no penalties except de-listing from DOLE's registry.

Indeed, upon issuing the new guidelines, the Labour Secretary was quick to reassure business groups that the DOLE intended to be lenient to small enterprises and that the rules would be enforced on a case-to-case basis depending on the 'exigencies of the business'. The Secretary for Trade and Industry likewise went out of his way to reassure foreign investors that 'contract labour is still allowed in the country'. Not satisfied, the Employers Confederation of the Philippines recently declared its intent to campaign more stridently in the coming year for revisions in the country's labour code to 'make it more attuned to modern realities under globalisation'.

Coalition against contractualisation

A new labour formation, the Coalition Against Contractualisation (KLK), was convened in November 2001. The KLK aims to bring together the broadest unity of contractual and regular workers, their unions, workers organisations from different factories and communities, as well as individuals mobilising to resist and oppose rampant contractualisation in the country. This builds on the local efforts of various labour federations (such as Ilaw at Buklod ng Manggagawa), enterprise-unions (e.g. Cosmos) and workers' associations (e.g. Alyansa ng mga Manggagawa sa SMC para sa Regularisasyon) many of which have already won significant gains in checking the spread of contractualisation in their workplaces or even secured regular status for contractual workers.

Migrants call on Labour Secretary to resign

Migrant workers' groups are calling for the removal of the Labour Secretary Patricia Sto. Tomas who, in bilateral negotiations with foreign governments hosting OFWs, agreed to cut the minimum wages of unskilled OFWs in Saudi Arabia by 25 percent while in Taiwan, she accepted a 20 percent wage cut for new hires. In Hong Kong, a proposed wage cut of up to 30 percent in 2001-2 would have succeeded were it not for opposition from migrant worker groups. The Labour Secretary also agreed to new labour policies adopted by the Saudi Arabian government that outlaws OFW shelters outside Philippine consulate grounds. It also waives the right of OFWs to pursue back wages against their employers as

it gives legal recognition to quit-claims or waivers that workers sign (often under duress) before leaving Saudi Arabia.

Conclusion

Workers remain battered by layoffs and unemployment as local industries are unable to compete with foreign MNCs and imports from industrialised countries. 'Competitive wages' are maintained and a flexible workforce is officially promoted as part of neoliberal doctrine.¹⁶ Workers' rights are severely curtailed, their human rights violated and picket lines are militarised. Social services and necessary public investments continue to be sacrificed as a result of IMF-WB imposed austerity programmes and foreign debt-servicing.

Estrada's Constitutional successor, President Arroyo, has inherited more fundamental inequities in Philippine society. She rode the crest of People Power that ousted a corrupt and criminal leader. She has so far failed to implement meaningful measures to address the immediate demands of the poor let alone institute structural reform. Indeed, the government's de facto policy of maintaining a cheap, docile and flexible labour force merely serves the interests of big foreign and local capitalists and their agents in and out of the bureaucracy. But it exposes the fundamental anti-worker and anti-people character of the prevailing order. The struggle of workers and the Filipino people for genuine social change is far from being over.

Notes

1. Froilan Bacungan and Rene Ofreneo (manuscript), 'Labour Market and Labour Laws in the Philippines'.
2. *Ibid.*, (p. 12).
3. *Ibid.*, (p. 14).
4. Department of Labour and Employment (DOLE), Republic of the Philippines, 'Know Your Rights', which omits the right to strike.
5. 'Primer on Strike, Picketing, and Lockout (National Conciliation and Mediation Board, 1996 edition)'.
6. 'Action Programme for Decent Work: Philippines', (International Labour Organisation, Manila, 2002).
7. Aside from limited resources and narrow mandate of inspection, the DOLE inspectorate is also perceived to be easily corruptible. Inspectors are said to provide advanced warning to firms that are scheduled to be inspected, allowing employers ample time to prepare - in exchange for a bribe.
8. Divina Edralin, 'Factors Influencing the Observance of the Core ILO Standards by Manufacturing Companies', *Philippine APEC Study Centre Network (PASCN) Discussion Paper No. 2000-02*, Makati City, (2000).
9. Philip Kelly, 'The Political Economy of Local Labour Control in the Philippines, (Southeast Asian Studies Programme, National University of Singapore, Singapore, 2000).
10. Steven McKay, 'Globalisation and the Electronics Industry in the Philippines', in *Philippine Journal of Labour and Industrial Relations*, (University of the Philippines, UP Press, Diliman, Quezon City, 2001).
11. Project BASS Topline Report, "A Quantitative Study on the Conditions of Employment in Metro Manila", submitted to the Leviticus Foundation Inc, (2000).
12. EILER, 'Labour Flexibilisation and Imperialist Crisis', *Institute of Political Economy Journals No. 26*, IPE, Sta. Mesa, Manila, (2000).
13. According to current Philippine law and jurisprudence, workers employed in activities deemed 'usually necessary or desirable in the usual business or trade of the employer' are entitled to job security as employees with 'regular status'. Job security means regular workers cannot be dismissed or laid off without just or authorised cause. Employers must also observe due process including a mandatory 30-day notice of termination. Apprentices are on-the-job trainees who perform regular tasks but can be paid as low as 75 percent of the prevailing minimum wage. Employers are also under no obligation to absorb these apprentices into the regular workforce after the apprenticeship period.
14. 'Combating Corruption in the Philippines: An Update' World Bank Report No.: 23687-PH, (World Bank, 30 September 2001).
15. 'Battered Bodies, Shattered Rights: The State of Filipino Workers' Uphill Struggle to Organise...to Survive under President GMA, (CTUHR 2002).
16. The current minimum wage for the NCR - where it is highest - is less than half of the estimated cost-of-living for a family of six.

Appendix 1

Major labour centres

There are nine national centres, 167 industry and general federations covering 6,936 enterprise unions plus another 6,509 independent registered unions, which claim a total membership of 3.8 million workers or around 13.5 percent of the employed labour force. But these figures are unreliable. Actual union density is difficult to establish because of imprecise and non-verifiable claims of membership. For instance, only 2,517 or around 20 percent of registered unions have existing CBAs covering an estimated 461,000 workers or 3.5 percent of all wage and salary workers. Trade union repression prevents active unions from inking CBAs, hence, actual union density is somewhere between figures on CBA coverage and registered unions. One independent estimate places it somewhere between 350,000 to 600,000 union members.

| Centre | Contact |
|--|---|
| <p>Federation of Free Workers (FFW) Established in 1950 to counter communist influence in the labour movement, the FFW operated on a free from management, free from politics and free from government principle until the late years of the Marcos regime. In the post-Marcos period, the FFW had government-appointed labour representatives in Congress until the advent of party-list elections in 1998.</p> | <p>Ramon Jabar FFW National President 1943 FFW Bldg. Taft Avenue, Malate, Metro Manila</p> |
| <p>Trade Union Congress of the Philippines (TUCP) Formed in 1975 as the only government-recognised labour centre under the Marcos dictatorship, the TUCP has more than 40 federations and national unions and claims a membership of 1.5 million members across the country. It had government-appointed labour representatives in Congress until the advent of party-list elections in 1998.</p> | <p>Democrito Mendoza TUCP President TUCP-PGEA Compound Maharlika & Masaya Streets Diliman 1101, Quezon City</p> |
| <p>Kilusang Mayo Uno (KMU) The KMU (May First Movement) was established in 1981 with 50,000 members belonging to seven labour federations outside the government-recognised TUCP. It espouses 'genuine, militant and anti-imperialist trade unionism in the Philippines in the revolutionary tradition of the Filipino working class'. It now has 250,000 members from different locals, federations, industry unions, area-based alliances, and craft groupings, and exerts influence over 100 independent unions nationwide. Its chairperson, Crispin Beltran, is currently a member of parliament as one of three representatives of Bayan Muna which topped the most recent party-list elections.</p> | <p>Crispin Beltran KMU National Chairperson 63 Narra St., Project 3, 1102 Quezon City kmunatl@edsamail.com.ph kmuid@i-manila.com.ph</p> |
| <p>Confederation for Unity, Recognition and Advancement of Government Employees (COURAGE) An umbrella organisation of public sector unions in the Philippines, COURAGE was established in 1986 to promote the economic and democratic rights of all government employees. It has a total of 90 unions, organisations, associations and regional formations affiliated with a mass base of more than 150,000 workers from national government agencies, local government units, state colleges and universities, and government-owned-and-controlled corporations.</p> | <p>Ferdinand Gaité COURAGE President 9-A K-F Street, Kamuning Quezon City courage@skynet.net</p> |
| <p>Migrante International A global alliance of overseas Filipino organisations established in 1986 to promote the rights and welfare of OFWs and immigrants, today, it has 81 member-organisations from four continents.</p> | <p>Leo Legaspi, Chairperson 49 Mayaman cor. Matahimik St. UP Village, Quezon City migrante@nsclub.net</p> |

Appendix 2

Labour force statistics, January 2002

| | 2001 | 2002 | Increase/decrease |
|-----------------------------------|--------|--------|-------------------|
| Philippine Population (X,000) a/ | 77,898 | 79,476 | 1,578 |
| Labour Force (X 1,000) | 31,693 | 33,098 | 1,405 |
| Not in the Labour Force (X 1,000) | 16,720 | 16,741 | 21 |
| Participation Rate (%) | 65.5% | 66.4% | 0.9% |
| Employed (X 1,000) | 28,096 | 29,705 | 1,609 |
| By Sector | | | |
| Agriculture | 10,252 | 11,006 | 754 |
| Industry | 4,682 | 4,596 | (86) |
| Services | 13,161 | 14,104 | 943 |
| By Class of Worker | | | |
| Wage & Salary | 14,406 | 14,410 | 4 |
| Own-account | 10,459 | 11,265 | 806 |
| Unpaid Family workers | 3,230 | 4,030 | 800 |
| By Hours Worked | | | |
| 40 hrs. or more | 19,264 | 17,871 | (1,393) |
| less than 40 hrs. | 8,486 | 11,328 | 2,842 |
| Unemployment Rate (%) | 11.3% | 10.3% | -1.0% |
| Underemployment Rate (%) | 16.9% | 15.9% | -1.0% |

a/ medium projections

Source: National Statistics Office