

The Significance of the ILO Probe into Labour Rights in the Philippines

Sunday 31 March 2024, by [VELASCO Benjamin](#) (Date first published: 7 March 2024).

The Philippines provides an interesting case study of the potentials and constraints of the 'boomerang effect'. Margaret Keck and Kathryn Sikkink posited that the strategy of transnational advocacy organizations in influencing a nation-state's domestic policies exhibits a boomerang pattern. This concept is germane given the patent inability of local actors in the Philippines to access justice. In early 2023, an International Labour Organization (ILO) High-Level Tripartite Mission conducted a probe on killings of unionists and other incidents of labour repression. Then, in late 2023, International Criminal Court investigators arrived in the country to inquire into the conduct of Rodrigo Duterte's war on drugs.

Three years in the making

On 2 June 2019, Dennis Sequeña, a union organizer and labour leader of the group Partido Manggagawa (2019), was shot dead while facilitating a seminar for Cavite export zone workers. This brutal murder just days ahead of the ILO annual conference led to outrage from worker delegates. Days after Sequeña was buried – hailed as a hero of export zone workers by colleagues in the union movement – the ILO Committee on the Application of Standards resolved to send a high-level mission to the Philippines to inquire on its compliance with Conventions 89 and 98 (C89 and C98), international labor standards which guarantee the freedom of workers to unionize and bargain.

While Sequeña's death may have been the straw that broke the camel's back, the ILO had in fact been deluged with complaints for violations of C89 and C98 for more than a decade. In 2007, the allegations included the killings of 80 unionists along with union intimidation in export processing zones. The gravity of the accusations led to a decision for an ILO high-level mission but the government successfully parried its immediate entry. However, the threat of losing trade privileges with the United States due to human rights issues forced the administration of Gloria Arroyo to open the door to the ILO probe in 2009. The lack of progress in protecting workers' rights and implementing the recommendations of the 2009 probe led to a 2016 ILO 'direct contacts mission'.

Within 14 years, the Philippines has been subject to three ILO missions due to grave allegations of labour rights violations. This correlates with the fact that the Philippines has perennially been listed by the International Trade Union Confederation, the peak global union body, as among the ten worst countries for workers (ITUC, 2022). The ruthless slaying of Sequeña was therefore not an isolated incident. His death may have been perfectly timed to derail union organizing in the Cavite export zone but it came at a bad time for the Philippine government, which now had to face another ILO investigation.

Stance of the three actors

The pandemic gave the Duterte administration a chance to delay the ILO mission's arrival. But

accusations of labour rights violations surged ahead during Covid-19. Since the 2019 decision to send an ILO mission, trade unions have documented 16 labour-related killings, two cases of forced disappearances, 68 cases of arrests, 90 cases of forced union disaffiliations and other forms of union interference, 58 cases of red-tagging, 127 cases of intimidation of union leaders and members, and 19 cases of other anti-union activities.

Among these was the killing of Solidarity of Cavite Workers leader Manny Asuncion at the very office of the Workers Assistance Center by police who claimed he 'fought back' – like the thousands of alleged addicts slaughtered during the war on drugs. The Inter-Agency Task Force on Extra Legal Killings constituted under Administrative Order 35 – which was an outcome of the first ILO mission in 2009 – filed a case against 17 policemen for Asuncion's murder. A week before the new ILO mission arrived, the Department of Justice dismissed the complaint for 'lack of probable cause' (Untalan, 2023).

While killings of unionists are the most extreme violation of labour rights, there are other forms that are just as serious. Labour unions in Coke plants in Metro Manila, Ilagan in Isabela, San Fernando in Pampanga, Bacolod, Davao, Tagum, and General Santos – affiliated to the labour group Sentro ng mga Nagkakaisa at Progresibong Manggagawa – alleged connivance between the multinational company and local police in red-tagging and cajoling workers to disaffiliate (IUF Asia/Pacific, 2021). The association of non-uniformed personnel of the Philippine National Police (PNP), affiliated to the Public Services Labor Independent Confederation, also complained that it was red-tagged, its officers harassed and its president illegally dismissed from service.

All these transpired during the pandemic and are just a sample of the cases cited by trade unions which represent the full spectrum of Philippine labour movement, from the conservative to the radical. Such a display of unity by the fragmented workers movement is extraordinary but only reflects the dangerous situation confronting all unionists in the country.

In its presentation to the ILO mission, the Employers' Confederation of the Philippines condemned violence against unionists but asserted that none of its members are involved and most of the issues are not labour-related. Still, it called for closure as 'the only way to move forward'.

The Labour Department emphasized that the government is earnestly tackling the complaints about killings and red-tagging even as it also maintained that most of the allegations are not labour-related. However, other government agencies were not as circumspect in their statements to the ILO mission. The Armed Forces of the Philippines and the National Task Force to End Local Communist Armed Conflict both denied the allegation of red-tagging but in the same breath accused the Kilusang Mayo Uno of being a communist front. The Philippine Economic Zone Authority and the PNP contradicted each other about the status of the controversial program called JIPCO which allows police presence in export zones: the former said it was in abeyance but the latter considered it active.

ILO mission's three recommendations

The ILO mission drafted its initial findings and recommendations, and presented it before a multi-stakeholder meeting before it left the country. Among its salient conclusions was the presence of a 'mindset, linking' unions to the insurgency without the benefit of due process which has led to a climate of impunity and violations of workers' rights.

It gave three key recommendations. First, establishment of a presidential body with a mandate to resolve all the outstanding cases of alleged killings and abductions of unionists using the powers of the state. Second, formation of an independent body of eminent persons with the task of

recommending public compensation to victim's families. And last, strengthening the National Tripartite Industrial Peace Council as the monitoring body for pro-active protection of unionists under threat and safeguarding of freedom of association.

In response, an inter-agency task force headed by the president's executive secretary was created by Executive Order 23 that was enacted on the eve of May Day 2023. However, labour groups criticized the order as falling short of the ILO recommendations, for being crafted in the absence of social dialogue and for leaving workers' representation out of the task force. Further, since the ILO mission, four more unionists have been killed, among them Alex Dolorosa, a paralegal officer of a call center employee organization, and Jude Fernandez, a veteran organizer (Relativo, 2023). Dolorosa was killed by unknown persons while Fernandez was shot dead by police.

The 2009 ILO mission resulted in a series of reforms which unfortunately were not enforced effectively. Can the 2023 ILO mission make a difference? Can the boomerang strategy work now, unlike before?

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