

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
First Regular Session

House Bill No. 4448



Introduced by TUCP Party-List
Rep. RAYMOND DEMOCRITO C. MENDOZA

EXPLANATORY NOTE

The right to self-organization is a universal human and workers' right and has been recognized by the Philippine Government with the ratification of the ILO Convention No. 87 on Freedom of Association. The Convention states that "workers, without distinction whatsoever, shall have the right to establish and xxx to join organizations of their own choosing".

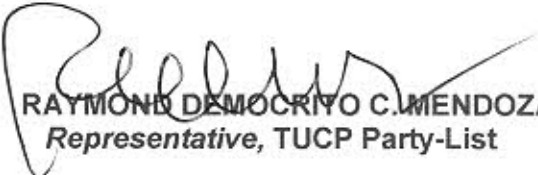
The Philippine Constitution provides for full protection to labor in keeping with the principles of ILO Convention No. 87. But some provisions of the Labor Code restrict the full exercise of this basic human right at work. Some of these restrictions will be lifted by this bill.

This bill: (a) Extends the right to self-organization to aliens in the Philippines, and (b) Withdraws the prohibition of foreign trade union organizations to engage in trade union activities and the regulation of foreign assistance to Philippine trade unions.

The right to self-organization does not depend on reciprocity. As a sending country, the Philippines must adhere to the principle of equal treatment of migrant workers and national workers as regards trade union membership and collective bargaining, among other things, as laid down by ILO Convention No. 97 on Migration for Employment of which the Philippines is a signatory.

The trade union movement draws strength from the solidarity of workers and their organizations, whether inside or outside the country or both. And part of the right to self organization are the right to affiliate and to work with international organizations of workers. Affiliation demands direct and indirect engagement of international organizations with trade union activities of their Philippine affiliates. Affiliation also includes the right to assistance of any kind from these foreign organizations.

This bill is part of a series of proposed amendments to the Labor Code addressing the observations by the Committee of Experts of the ILO as highlighted by the ILO High Level Mission to the Philippines on 22-29 September 2009 on violations of freedom of association faced by Filipino workers.


RAYMOND DEMOCRITO C. MENDOZA
Representative, TUCP Party-List

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
First Regular Session

House Bill No. 4448

Introduced by TUCP Party-List
Rep. RAYMOND DEMOCRITO C. MENDOZA

AN ACT
ALLOWING ALIENS TO EXERCISE THEIR RIGHT TO SELF-ORGANIZATION
AND WITHDRAWING REGULATION OF FOREIGN ASSISTANCE TO TRADE
UNIONS, AMENDING FOR THE PURPOSE PRESIDENTIAL DECREE NO. 442, AS
AMENDED, OTHERWISE KNOWN AS THE LABOR CODE OF THE PHILIPPINES

*Be it enacted by the Senate and the House of Representatives of the Philippines in
Congress assembled:*

Section 1. Withdrawing the Reciprocity Clause. – Article 269 of the Labor Code is hereby amended to read as follows:

“ARTICLE 269. NON-Prohibition against aliens [; exceptions]. - All aliens, natural or juridical, as well as foreign organizations [are strictly prohibited from engaging] MAY ENGAGE directly or indirectly in all forms of trade union activities [without prejudice to] ONLY THROUGH normal contacts between Philippine labor unions and recognized international labor centers. [; Provided, however, That a] Aliens working in the country with valid permits issued by the Department of Labor and Employment, may exercise the right to self-organization and join or assist labor organizations of their own choosing for purposes of collective bargaining. [; Provided, further, That said aliens are nationals of a country which grants the same or similar rights to Filipino workers.]”

Section 2. Non-Regulation of Foreign Assistance to Trade Unions. - Article 270 of the Labor Code is hereby amended to read as follows:

“ARTICLE 270. NON-Regulation of foreign assistance. –

(a) [No f] Foreign individual, organization or entity may give any donations, grants or other forms of assistance, in cash or in kind, directly or indirectly, to any labor organization, group of workers or any auxiliary thereof, such as cooperatives, credit unions and institutions engaged in research, education or communication, in relation to trade union activities, without prior permission by the Secretary of Labor.

“Trade union activities” shall mean:

Xxx xxx

(b) This [prohibition] shall [equally] NOT apply to foreign donations, grants or other

forms of assistance, in cash or in kind, given directly or indirectly to any employer or employer's organization to support any activity or activities affecting trade unions."

Section 3. Separability Provisions. -- If any part of this Act is held invalid or declared unconstitutional, the same shall not affect the validity and effectivity of the other parts thereof.

Section 4. Repealing Clause. -- All laws, decrees, executive orders, rules and regulations or parts thereof, which are inconsistent with this Act, are hereby repealed, amended or modified accordingly.

Section 5. Effectivity. -- This Act shall take effect fifteen (15) days after its publication in at least two newspapers of general circulation.

Approved,