



HOUSE OF REPRESENTATIVES

H. No. 9294

BY REPRESENTATIVES BROSAS, CASTRO (F.), MANUEL, NOGRALES (J.F.F.), YAP (C.), FLORES, LUISTRO, SALIMBANGON, HERNANDEZ, SANTOS, ORDANES, GARDIOLA, ARBISON, TARRIELA, PADUANO, MENDOZA, CHUA, GO (M.), ALBA, COLLANTES, CAJAYON-UY, TAMBUNTING, AGARAO, ROBES, CARI, ESPINA, ALONTE, MAGSINO, FERNANDEZ, HERRERA, VILLAFUERTE (L.R.) AND DALIPE

AN ACT

PROTECTING THE RIGHTS OF ALL WORKERS, WORKERS' ORGANIZATIONS, AND UNIONS FROM INTERFERENCE BY THEIR EMPLOYERS, PUBLIC AUTHORITIES OR THEIR AGENTS, AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF

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

1 **SECTION 1. Short Title.** – This Act shall be known as “*Strengthening the Freedom of*
2 *Association of Workers’ Act*”.

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4 **SEC. 2. Declaration of Policy.** – It is the primary responsibility of the State to protect
5 and uphold the rights of all workers and promote their welfare, and to afford full protection to
6 labor, local and overseas, organized and unorganized.
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8 The State shall protect the Constitutionally-guaranteed rights of all workers to self-
9 organization, collective bargaining and negotiations, and peaceful concerted activities,
10 including the right to strike in accordance with law.
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12 It is also the policy of the State that any violation thereof is not only a violation of the
13 civil rights of all workers, but also a criminal offense against the State.
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15 **SEC. 3. Coverage.** – For purposes of this Act, any person who shall restrain, harass,
16 or coerce or unduly interfere with any private worker or workers’ association trade union
17 center, federation, union, or labor or employees organization in the exercise of their rights to
18 self-organization, or shall, in any manner, commit any act in violation of the provisions of this

Act, and such acts or commissions not otherwise under the jurisdiction of the Department of Labor and Employment (DOLE) and its appropriate agencies pursuant to the Labor Code of the Philippines and Executive Order No. 180, entitled "Providing Guidelines for the Exercise of the Right to Organize of Government Employees, Creating a Public Sector Labor-Management Council, and for Other Purposes", shall be liable under this Act.

SEC. 4. Definition of Terms. – As used in this Act:

- (a) *Harass or harassment* refers to the manifestly physical or verbal or systematic or continued unwarranted action of one party or group, including threats and demands;
- (b) *Vilify, label, brand, tag, red-tag, red-bait, name or accuse in any other manner* refers to the act of accusing, denouncing, attacking or persecuting an individual or organization as a subversive, subversive sympathizer, terrorist, or terrorist sympathizer without legal basis and due process of law, that is, by decision of the competent Court;
- (c) *Worker* refers to any person in the employ of another, regardless of their employment status, tenure or nature of the agreements or contracts, as well as ambulant, intermittent, self-employed, rural workers, those without definite employers, and all workers in the informal sector; and
- (d) *Workers' organization or union* refers to any organization, union, association or group of workers and employees, or local chapters or affiliates, which exists in whole or in part for the purpose of collective bargaining, including federations, national unions, trade union centers, as well as ambulant, intermittent, self-employed, rural workers and those without definite employers, who organize for their mutual aid and protection, promotion of interest and welfare, cooperation, and protection or other lawful purposes.

SEC. 5. Prohibited Acts. – It shall be unlawful for any person to commit any of the following acts of interference, intervention, or intrusion:

- (a) To require, force or coerce a worker to join or not join a workers' organization or union, or to relinquish or renounce membership therein;
- (b) To require, force or coerce a workers' organization or union to join or relinquish or renounce its affiliation or membership to any workers' federation or national union;
- (c) To require, force or coerce any worker to join or not join a workers' organization or union, or to relinquish or renounce membership therein to be able to access any government service, aid or program;
- (d) To require, force or coerce any worker to attend any information drive or seminar which encourages or dissuades workers from organizing a workers' organization or union or participating in any activity of the workers' organization or union, or that which labels or vilifies any workers' organization or union;

- (e) To encourage or discourage a worker from voting or supporting a specific workers' organization or union during certification election;
- (f) To discriminate a worker in any establishment or business in order to discourage membership in any workers' organization or union;
- (g) To prevent a worker from carrying out duties laid upon them by their position in the organization or union, or to penalize them for the action undertaken in such capacity;
- (h) To interfere, impede, obstruct, or hinder in the establishment, functioning, or administration of workers' organizations or unions;
- (i) To vilify, label, brand, red-tag, name or accuse a worker or workers' organization or union as subversives or terrorists; and
- (j) To otherwise interfere, impede, obstruct, or hinder, without authority under the law, any lawful and peaceful activities of the workers and workers' organizations or unions.

SEC. 6. Conduct and Prohibited Acts of State Agents, and Government Officials and Employees. – Any member, personnel or officer of the Armed Forces of the Philippines, including the Citizen Armed Force Geographical Unit (CAFGU), Active Auxiliaries and the Special CAFGU Active Auxiliaries, the Philippine National Police, including its Supervisory Office for Security and Investigation Agency, the National Task Force to End Local Communist Armed Conflict and similar bodies, the local chief executives, economic zone police and security personnel or guards, employers' private security personnel or guards, and *Barangay tanod* or *Barangay* Public Safety Officers shall protect, respect, and advance workers' rights and civil liberties at all times, in compliance with their oaths or affirmations to uphold and defend the Constitution. All their actions, as an individual and as a formed unit, shall always be compliant with existing laws and conventions on the respect and protection of human rights.

They shall not:

- (a) Vilify, label, brand, red-tag, name or accuse workers' organizations or unions, labor leaders, members or organizers as subversives or terrorists;
- (b) Encourage or dissuade workers from exercising their right to organize a union or participate in any legitimate and lawful activity of the organization or union, such as holding pro or anti-union seminars, and other pro or anti-union information drives, whether within the company premises or not, including industrial or special economic zones;
- (c) Interfere during the conduct of representation elections and workers' organization or union elections, such as encouraging or discouraging workers to vote or support a specific individual or workers' organization or union;
- (d) Harass or forcibly interrogate workers, organizers, or workers' organization or union officials on their alleged links or support to certain armed groups on the basis of mere membership or affiliation to labor organizations or unions; and

- 1 (e) Collect or use personal data of workers, labor organizers, or workers'
2 organizations or unions' officials such as name, home address, and contact
3 details which can be used for harassment and profiling.
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5 **SEC. 7. *Complaint Mechanism.*** – The DOLE shall verify and act on claims of trade
6 union rights violations without prejudice to existing mechanisms under the Commission on
7 Human Rights or other concerned government agencies. The complaint mechanism shall be
8 subject to the Implementing Rules and Regulations of this Act.
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10 **SEC. 8. *Promotion of Trade Unionism.*** – The DOLE shall lead the efforts in promoting
11 free trade unionism and in fostering a strong labor movement in the country. To this end, it
12 shall take a proactive role in strengthening the protection of workers from discrimination and
13 interference in their exercise of their right to organize and form workers' organizations and
14 unions.
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16 **SEC. 9. *Penalties.*** – Any person who restrains, harasses, coerces or unduly interferes
17 with any worker or workers' association or union, in the exercise of their rights to self-
18 organization or in any manner commits any violation of Sections 5 and 6 of this Act shall, upon
19 conviction, be punished by a fine of not less than One hundred thousand pesos (₱100,000.00)
20 or imprisonment of not less than one (1) year but not more than two (2) years, or both at the
21 discretion of the Court.
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23 If the offender is a public official, the Court, in addition to the penalties provided in the
24 preceding paragraph, may impose additional penalties of disqualification from any appointive
25 or elective position and forfeiture of all benefits.
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27 Any violation of the provisions of Section 6 shall be imposed with the maximum penalty
28 provided under this Act.
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30 **SEC. 10. *Separability Clause.*** – If any provision of this Act is declared invalid, the
31 remainder of this Act or any provision not affected thereby shall remain in force and effect.
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33 **SEC. 11. *Repealing Clause.*** – All laws, presidential decrees, executive orders and their
34 implementing rules, inconsistent with the provisions of this Act are hereby repealed, amended
35 or modified accordingly.
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37 **SEC. 12. *Effectivity.*** – This Act shall take effect fifteen (15) days after its publication in
38 the *Official Gazette* or in a newspaper of general circulation.

Approved,