
INTERNATIONAL LABOUR ORGANIZATION (ILO)

**MULTI-BILATERAL PROGRAMME OF
TECHNICAL COOPERATION**

**Promoting the effective recognition and implementation of the
fundamental rights of freedom of association and collective
bargaining in the Philippines**

PHI/11/04/USA

PROGRESS REPORT

Reporting Period: 1 January – 31 December 2013

PROGRESS REPORT – January to March 2013

PROJECT #: <i>PHI/11/04/USA</i>	COUNTRY/PROJECT NAME: Philippines <i>Promoting the effective recognition and implementation of the fundamental rights of freedom of association and collective bargaining in the Philippines</i>	
FUNDING: <i>US\$ 742,574</i>	PROJECT DURATION: <i>18 months Expected start date 15 March 2012 with the appointment of the project Chief Technical Adviser Non cost extension until December 2013</i>	EVALUATION DATES: <i>Interim Assessment: April 2013 Final evaluation: expected Dec 2013</i>
DATE SUBMITTED: <i>30 April 2013</i>	REPORTING PERIOD: <i>1 January – 31 March 2013</i>	CONTACT: <i>Lawrence Jeff Johnson, Director ILO Manila Office Phone: :+63 2 5809900 E-mail: johnosnl@ilo.org</i> <i>Katherine Torres, Technical Cooperation Officer 4, Route des Morillons 1211 Geneva Phone: 41-22-7996879 E-mail: torresk@ilo.org</i>

PROJECT OBJECTIVES

Project Objective 1

Government labour authorities (DOLE and PEZA) are better equipped to promote and realize the rights of FACB

Project Objective 2

Effective bi-partite bargaining and tripartite social dialogue

Project Objective 3

Better enforcement and protection of victims or potential victims of civil liberties and labour rights' violations.

I. OVERALL PROGRESS

The Chief Technical Adviser ('the CTA') continues to undertake meetings with the social partners. Despite initial difficulties in getting momentum going, there have been a number of activities taking place and agreements being put in place for the delivery of project activities.

The CTA was slightly disappointed by the engagement of the trade unions in the Strengths, Weaknesses, Opportunities and Threats (SWOT) activity but has been feeling positive about the responses to his initiative to use business consultants to deliver skills training on how to negotiate effectively. The CTA asked for an open-mind to using non-traditional resource partners and is encouraged by an indication that the trade unions have asked for similar training elsewhere in the Philippines.

The Employers' Federation of the Philippines ('the ECOP') SWOT report has recently been received. However, it was too late to properly review it for this quarterly progress report. The recommendations contain suggestions that consideration be given on how to best to set up an initiative for ECOP to promote, inform and educate on issues such as freedom of association and social dialogue. The findings of the report also appear to indicate there remains a lot of mistrust and ignorance in the area of freedom of association and social dialogue.

The Philippine Export Zone Authority ('the PEZA') shows the same level of commitment as reported on in previous reports and in the opinion of the CTA, the PEZA need to be led and guided at all times. There has also been a change of contact at the Department of Labour and Employment ('the DOLE'). The slow turnaround times with the old contact point were due to the person being overworked – nevertheless the working relationship was a good one. The new contact person seems engaged and able to respond quickly. Finally, the project has an agreed outline of what trainings the parties want to be delivered to the Philippine National Police ('the PNP') and the Armed Forces Philippines ('the AFP') - pending a vetting procedure.

Project Activities:

Immediate Objective 1 – Skills training for government authorities

Activities 1.1 – The first phase of the activity has been completed by a long-distance element, involving the trainees and the resource persons (international expert David Tajzman and former DOLE-Undersecretary Ernesto Bitonio). Modules were sent to DOLE, PEZA and the ILO for comments.

It was considered that a two-day exercise would not be sufficient time to train the trainers and so a five-day live-in training workshop outside Manila was held from 21 to 25 January 2013. There had been ongoing discussions with the partners and in the end, 23 trainees attended the training:

Organization	Female	Male
DOLE	8	10
PEZA	2	3
Total	10	13

The DOLE was keen to ensure that there were sufficient numbers of officials to ensure coverage of trained officials throughout the Philippines. The CTA, in meetings leading up to

the activity, spoke to his counterpart at DOLE about the need to ensure those selected for the training workshops were suitably motivated. The issue of post-workshop duties of the trainers was also mentioned. In the post-workshop feedback, 69% rated their level of pre-course preparedness, including being away of duties after the workshop, as being *'just enough'*. However, they were largely positive in their response in terms of how they rated the learning experience and increase of knowledge. The results are shown below:

E. TRAINING EFFECTIVENESS & RESULTING CONFIDENCE

As a result of this training, how confident are you now in taking up ILS, FoA and CB principles as a trainer?

Answer 1: Very confident, without fear of hard subjects

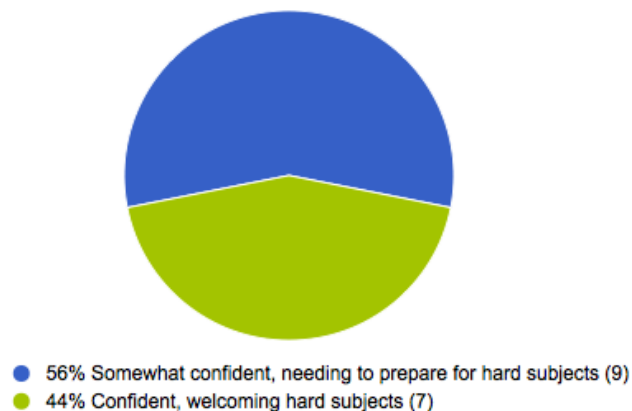
Answer 2: Confident, welcoming hard subjects

Answer 3: Somewhat confident, needing to prepare for hard subjects

Answer 4: Lacking confidence, wanting some assistance for hard subjects

Answer 5: Not confident, fearing taking up any training assignment

As a result of this training, how confident are you now in taking up ILS, FoA and CB principles as a trainer?



Following the training session, the CTA has held follow-up meetings with his former and current liaison person at DOLE to ensure progress and momentum is maintained among the trainees. To that end, the CTA sent a series of suggestions on how to ensure the trainees are managed successfully. The new DOLE contact person is now reviewing this and encouraging trainees to start delivering training sessions to keep knowledge levels up before undertaking any formal training sessions.

In terms of the follow up through training sessions to be delivered to officials from DOLE and PEZA, there is now a schedule of four workshop sessions (commencing 22 April 2013.) in place. The CTA and selected trainees will deliver the training. At the time of preparing this report, a decision has been taken to include PEZA officials in the workshops. This decision has been taken because there are in total few PEZA and DOLE officials to be trained (25 in total) and thus it is more effective to merge the workshops planned under activity 1.1.3 and 1.1.4.

Activity 1.2 – As stated in previous quarterly reports, the Bureau of Working Conditions is pressing ahead with a review of the labour inspection system for the Philippines. The CTA met with the Bureau head, Ms. Cathy Parado and her team on 27 February 2013 to seek information and to discuss options. The CTA was advised of the plans to implement the new inspection system and for it to be signed off by the DOLE Secretary on or around 1 May

2013. The CTA also suggest that the project could conduct an audit but this initiative was not taken up.

The strategy is now on enhancing the capacity of the Bureau to undertake inspections and within the new system of being more aware of advising employers. As a result of these discussions, proposals have been received with regards to areas in which the Bureau would like support. These are currently being considered by the ILO.

However, in terms of delivering training to the labour law compliance officers on freedom of association and collective bargaining, the CTA is keen to ensure training is undertaken on by the trainees that were trained under Activity 1.1. Discussions in this regard will continue.

Immediate Objective 2 – Promoting effective bipartite and tripartite dialogue

Activity 2.1 – In the previous quarterly report, the CTA provided an update on progress with regards to both the employer and worker SWOT exercises.

The CTA has been rather disappointed by the rate of progress from the worker side in this activity. Of the 23 trade unions that attended the 10 October 2012 workshop at the School of Labor and Industrial Relations ('SOLAIR'), the project has received less than half of the questionnaires given to the participant trade unions as part of the SWOT exercise. Only few unions have replied in full and the project had to follow up closely to get this far. Accordingly, in discussions with SOLAIR, the project decided to press that no further delay could be accepted and it was decided to go ahead with the information received. SOLAIR feel they have sufficient information to prepare a meaningful report and the CTA agrees. The project and SOLAIR have not had the chance to formalize a new timetable, but have tentatively agreed on as early as possible in May 2013. SOLAIR are keen to produce their report as soon as possible.

In relation to the employers, progress has picked up after some initial delays and, at the time of drafting this report, their SWOT report has been concluded. The delay was largely due to the CTA not being satisfied with the proposed resource person by the employers.

Finally, an agreement was reached with the employers on the resource person and the project undertook a series of six workshop sessions (the CTA attended one in Laguna EPZ on 12 February 2013), attended by 185 people in total. In addition, ECOP sent out a questionnaire to members, receiving 107 responses, of which 88 are seen to have answered enough questions (15 plus). Thus, much of the analysis of the results comes from these 88 responses.

In the July-September 2012 quarterly report, the CTA advised that ECOP had come with an initial proposal to organize some form of internet/helpline initiative to inform and educate their members on freedom of association and how to engage in effective social dialogue. Unfortunately, the idea was eventually suppressed from within ECOP. However, the SWOT report made a series of recommendations, one of which was the creation of a web-portal for employers to receive advice and guidance and to showcase positive examples of workplace collaboration.

As stated, the SWOT report is being reviewed and a meeting to discuss the findings and recommendations will be arranged in due course to identify the best ways to proceed.

Activity 2.2 – Notwithstanding the findings from the workers SWOT exercise, the previous quarterly report mentioned training to be undertaken on negotiation which, due to unforeseen circumstances, was moved to 18-19 March 2013.

In discussions with the trade unions and the ILO, the CTA managed to agree for trainings to be delivered on negotiation skills by using a business approach. There was some initial resistance to the idea but the CTA managed to convince the decision makers to adopt the approach. Arguments used included that such training would provide more skills input from someone more in tune with training business/employers and further, that it would be of benefit to try something new and ‘outside the box’ in terms of traditional service providers. In the CTA’s view, there is a need for ‘new thinking’ and an ‘opening of minds’ to activities and initiatives that might serve to ‘reinvigorate’ the trade unions as opposed to merely continuing with the normal ways.

Whilst the negotiation training was added onto another ILO training on ‘Negotiating for Collective Bargaining Agreements’, the CTA’s recommendation and belief is that the trade unions need to learn how to negotiate better across all their activities. Also, effort needs to be put into understanding that effective negotiation also needs to result in ‘win-win’ outcomes as well as ensuring that when negotiations do break down, this does not result in an irretrievable/souring of the relationship between the employers and workers.

Preliminary indications from the course attendees greatly appreciated the training and learned a lot from the experience. The CTA has come to understand that the trade unions will ask if this training can be replicated in two other training sessions. The CTA believes this would be of benefit and will seek to make arrangements with the resource partner and trade unions to discuss matters.

Finally, and in line with both the project and the ILO’s aims, the trade unions were encouraged to send younger and more female attendees. Whilst age data is not gathered, it was encouraging to see younger/newer faces attend the training and of the 30 attendees, a third was female.

Activities 2.3 – The project and DOLE are tentatively looking at dates in September 2013 for the delivery of workshops related to collective bargaining and on the ‘win-win’ collective bargaining training (Activity 2.2.2).

The DOLE is keen to see emphasis being placed on pay and productivity and there will also be discussions with the social partners to bring this to fruition.

Activity 2.4 – Preliminary discussions have taken place with regards to the delivery of this activity. November 2013 was identified as a possible date.

Objective 3 – Better enforcement and protection of victims or potential victims of civil liberties’ and trade union and labour rights’ violations

Activity 3.1 – As reported in the last quarterly report, contact was made with the Philippine Supreme Court (‘the PSC’). In terms of what was requested and required by the PSC before any training is allowed, the matter was passed to ILO-Geneva. However, given significant delays and upon advice of ILO-Geneva, the CTA has instructed the Right Honourable Robyn Layton, a former judge on the South Australia Supreme Court and renowned international expert, to work with the project for the presentation and eventual delivery of the training program.

Activity 3.2 – Due to scheduling issues of the resource person from the ITC-Turin, this activity has now been moved to the week starting 1 July 2013. The venue has been arranged and will be in two live-in workshops to take place outside Manila.

The activity has been split into two distinct training sessions. The first three days will see the delivery of the ITC Basic Course and the final two days will see the delivering of the ITC Advanced Course. The latter course will build on previously basic training workshops delivered by the ITC in the Philippines.

At the time of preparing this report, the process for deciding who attends the workshops has been formalized into a nomination process. To that end, DOLE and PEZA have been invited to submit nominees, including details as to why these individuals should be invited to attend the training workshops. This is so that the project can ensure – to the greatest extent possible – that the most suitable and motivated persons receive the benefit of the training.

Activity 3.3 – In this reporting period have been ongoing and productive discussions with both the Armed Forces of the Philippines (‘the AFP’) and the Philippine National Police (‘the PNP’).

As stated in the last quarterly report, plans have been advancing in terms of agreeing a schedule for the joint delivery of training sessions by the ILO and DOLE to both the AFP and PNP, as per the project document. To that end and as advised, the first such training was rescheduled for 15-16 January 2013 to the PNP.

This proved to be a useful exercise in terms of finalizing course content to go forward with. However, in view of the subsequent notification of the requirements of the Leahy Vetting Process, the delivery of the training activities has been put on hold.

Finally, in relation to the workshops on case monitoring, these are at the early discussions stages and implementation is likely to be towards November 2013. However, as members of the armed forces are members of the TIPC’s, the Leahy requirements will likely apply.

II. PROJECT ACTIVITIES

SUMMARY OF SELECTED ACTIVITIES			
ACTIVITY	DATE	VENUE	PARTICIPANTS
Activities and meetings of the Project this quarter			
Meeting with Gen. Tutaan (AFP)	14 Jan. 2013	Manila	Gen Tutaan, Jajoon Coue ILO Bangkok & CTA
ACTIVITY – First PNP trial session.	15-16 Jan. 2013	PNP Headquarters – Quezon City	29 people 6 females and 23 males
Meeting with Undersecretary Chato	18 Jan. 2013	ILO-Manila	DOLE
ACTIVITY – Training of Trainers’ Event	21-25 Jan. 2013	Tagaytay	23 people, 10 females and 13 males.
Meeting PNP – to get feedback of first training session and plan roll out of the rest of the training	30 Jan. 2013	PNP headquarters – Quezon City	PCS Fajura (M)
Meeting with ECOP	1 Feb. 2013	ILO-Manila	Roland Moya
Meeting with ECOP and Ernesto Bitonio	5 Feb. 2013	Makati	Roland Moya, Atty. Legardo and Ernesto Bitonio.
ACTIVITY – ECOP SWOT workshop	11 Feb. 2013	Manila	28 people from 13 organizations
ACTIVITY - ECOP SWOT workshop	12 Feb. 2013	Laguna EPZ	22 people from 14 organizations
ACTIVITY - ECOP SWOT workshop	18 Feb. 2013	Cebu City	56 people from 38 organizations
Meeting with Gen. Tutaan	19 Feb. 2013	AFP Headquarters	Gen. Tutaan
ACTIVITY - ECOP SWOT workshop	20 Feb. 2013	Clark EPZ	31 people from 15 organizations
ACTIVITY - ECOP SWOT workshop		Dagupan City	26 people from 20 organizations
Meeting with DOLE/BWC	21 Feb. 2013	BLR	SR/CB/

Meeting with BWC	27 Feb. 2013	BWC	Atty Cathy Parado and Dr Imelda Santos
Meeting with DOLE	1 Mar. 2013	DOLE	Usec/CB/JY/SR
Meeting with BLR	7 Mar. 2013	BLR	JY/CB
ACTIVITY - ECOP SWOT workshop	12 Mar. 2013	Tagaytay City	22 people from 14 organizations
ACTIVITY – Trade union skills/capacity building	18-19 Mar. 2013	Quezon City	30 trade union officials. 10 female and 20 male.

III. MAJOR TRENDS

There are no major trends to be reported in this quarter.

III. PROBLEMS, PROPOSED SOLUTIONS, ACTIONS TAKEN OR REQUIRED

Problems	Proposed Solutions	Actions Taken/Required
It has been an impeding feature of the trade union SWOT activity to see such a slow turnaround in responding to the questionnaires. This has potentially delayed delivery of training activities	The project has decided to proceed with what was available as waiting any longer was not an option any more.	Efforts were made to expedite responses and follow up with those not responding. However, in the CTA's opinion, it was important to press on with what is felt to be a need to enhance negotiation skills. In view of early indications of feedback, this area is something the trade unions appreciated.

IV. NEW PROPOSALS (activities, staffing, funding, etc.)

There are no new proposals to be reported in this quarter.

V. LESSONS LEARNED

There are no lessons learned to be reported in this quarter.