

Message by the Trade Union Congress of the Philippines (TUCP)
Delivered by TUCP Vice President Alejandro C. Villaviza
For the 2007 DOLE Corporate Planning Exercise
17 January 2007

Mr. Secretary, officials of the Department, friends, a pleasant day to you.

Today's exercise is welcomed by the officers and members of the TUCP and probably by the whole labor sector. It is very seldom, aside from occasional informal exchanges, that we in the labor sector are given the opportunity to speak frankly.

Let me start by saying that the TUCP, first and foremost, considers the Department as an ally in our struggle to improve the lives of workers and their families. The TUCP believes that the Department is uniquely situated being the only instrumentality of the State mandated to look after the concerns of the workers.

We in the trade unions, needless to say, look up to the Department for help and assistance in the work that we do for the 35 million or so workers.

It is therefore important that in occasions like this we re-visit the foundation of our relationship.

Trade unions are representatives of workers. They are primarily organized to raise issues for and in behalf of workers. The work of trade unions can be measured in three levels – at the shop floor level, at the industry level, and at the national level for socio-political representation.

At the shop floor or at the enterprise level, we are primarily concerned with collective bargaining, discussion of work place issues, such as wages, work arrangements, representation, OSH, dispute resolution, and the like.

In the industry level, trade unions --formed into federations perform the necessary task of industry bargaining and standards setting.

While in the national front, trade unions --represented by national centers --perform the task of bargaining for national laws and regulations --minimum wages, labor legislation, prices of petroleum products, even political representation.

To sum up the role of trade unions, they, perform the task of ensuring that workers are given their due, their fair share, the equal pay for the value of the service or work they perform for enterprises.

Trade unions also seek to enforce the rightful share of the labor sector in the fruits of the country's economic activities.

The Department on the other hand is the state agency mandated to look after the concerns of workers and balance it with the employers.

TUCP recognizes the unenviable task of reconciling two distinct and contrasting interests.

Let me share with you and I hope you agree with our favorite passage.

Let me paraphrase the dictum given by President Ramon Magsaysay: I quote “ Those who have less in life, should have more in Law.” In yet another dictum, **Article 4, Chapter 1 of the Labor Code of the Philippines (Construction in favor of Labor)** “**All doubts in the implementation and interpretation of this Code, including its implementing rules and regulations, shall be resolved in favor of labor.**”

We understand that we were invited today to present issues that we feel are important to the Department to address.

On organizing

Officials of the Department never fail to point out in labor conferences the decreasing number of union members, particularly comparing the number of organized workers with the total number of the labor force.

There are also occasions that Department officials question the representation of organized labor and raise the need to recognize representatives of emerging groups and sub-sectors.

Organizing has become a hundred times difficult. Globalization, its effects on industrial relations, and the resulting cut throat competition among economies and among countries, is pushing unionism nearer to extinction.

We who remain in the trade union movement need all the help we can get. We do not appreciate heckling obstruction by employers and some elements in DOLE.

The trend towards smaller units of business, non-regular work and contractualization constrain our organizing.

Contrary to popular belief, we are doing our best to organize workers.

In organizing workers, we encounter all possible obstruction. Intransigent employers, the best of law firms, communist-front unions, and yes, there are unscrupulous personnel of the Department.

The intransigence of the employers we understand, even the incorrigible actions of communist unions, what we don't expect is the connivance and indifference of some in the Department.

It is no secret that once a petition for registration is filed before the regional offices of the department, almost instantaneously, the names of union leaders and stewards are transmitted to employers, opening them to harassment, even dismissal by management.

Workers' enthusiasm on unionism is certainly diminished by this and the long process of unionization –from registration to filing of certification elections.

The cancellation of union registration due to technical deficiencies is uncalled for. This is contrary to ILO Convention 87 which asserts that workers organizations shall not be liable to be dissolved or suspended by Administrative authority.

On the disposition of labor cases

We hope that the reforms initiated in the NLRC by its previous Chair, particularly in the speedy disposition of cases and his attempt to check unwanted activities in the agency, is continued by the Commission.

There is no use of setting deadlines and reglamentary periods in the disposition of cases if we don't follow them.

We also remind that every second and every minute of delay in these cases correspond to the same amount of anxiety on the part of workers and their families.

Many workers go hungry, unable to find jobs and means to provide for their families, because of pending cases.

The recent incident of a Commissioner of the NLRC gives us little inspiration and sadness. Such incidents should be resolved at the soonest possible time, to serve as a lesson and a warning to others.

There are many other things that we need to discuss.

We focused on organizing because this is the foundation of our existence. We need all the help we can get in organizing. We do not ask that the Department to open the doors for us. All we demand is for the department to erase the stumbling blocks to organizing, including the indifference, at times active opposition to unions and organizing, of some of its personnel and med-arbiters.

Well-meaning public servants outnumber the unscrupulous ones. However, it only takes one rotten egg to spoil the whole basket and give the whole Department a bad name, perhaps deserved, because it has not solved this eternal problem.

There are good things that have been done before by the Department that have been discontinued. These should be revived.

The TIPC as the screener of labor policy is a good thing. Despite TIPC's inadequacies, more consultation is better than none. A number of new DOLE policies have been promulgated without consultations with TIPC. This is not acceptable.

The rolls of unions, federations and CBAs had been accessible to the public through the internet. The rolls are now not accessible. This delays our actions on registration and petitions for certification election (PCE). The internet access to these rolls should be restored immediately.

We do not understand the DOLE's love affair with LMCs. Theoretically, LMCs like motherhood is good. In practical terms, in the Philippines, employers and their DOLE agents get away with murder in promoting LMCs, when knowing fully well that unions are organizing in target companies. LMCs may be good but they are being used for bad purposes. How will the DOLE ensure freedom of association while promoting alternatives to unions?

The DOLE needs to strongly influence the programs and directions of the ILO. We should not continue to commit the mistake of the past where programs and projects are designed and implemented without the involvement and participation of social partners, especially the DOLE and, of course, trade unions.

The Decent Work Agenda is perfect example of how tripartism worked in this country. We hope that the DOLE will actively continue its role in facilitating, catalyzing and leading the process of developing and fine tuning the Decent Work Program in the country. The promotion of Decent Work, as the social partners crafted it, should remain a priority focus of the DOLE, in tandem with its partners, especially trade unions.

Of late, we do not hear labor concerns figuring prominently in the many trade negotiations and agreements, both bilateral and multilateral, that the country enters into. The social dimensions of trade agreements are not fully considered because the DOLE has not been active in the task forces, workgroups and clusters that are discussing and deciding policies on economic and trade matters.

The TUCP may not be the perfect partner the Department expects from a social partner. Neither do we consider the Department as a perfect arbiter in our long struggle with exploitation. The point is, we have to take the best of this relationship if we are to help each other succeed in improving conditions of work and life of workers and their families.

Thank you and good luck.