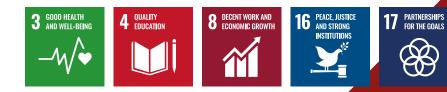






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MONITOR 2021



SUMMARY

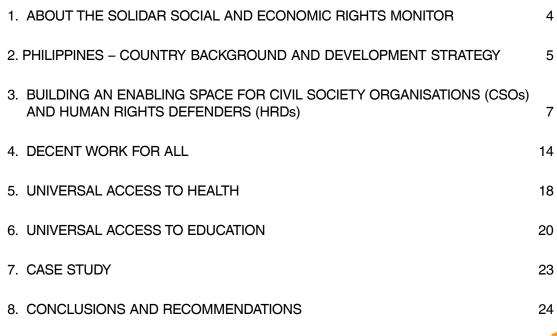
How can the European Union (EU) better contribute to building an enabling environment for Civil Society Organizations (CSOs) in The Philippines? How can the EU support the progressive realization of Economic and Social Rights - that is to say Freedom of Association and the Right to Organise, Decent Work and the Right to Social Protection for all - in connection with the implementation of the 2030 Agenda for Sustainable Development and the EU Action Plan on Democracy and Human Rights in the country? Developed by Solidar Suisse Hong Kong and by the Labour Education and Research Network (LEARN) in the Philippines, the following report identifies challenges and opportunities for the EU.

To boost its actions for the progressive realisation of Economic and Social Rights in the country: Restore jobs, fight for a safe employment, cope with inefficiencies in the health system, and eliminate inequalities in education are, among others, the main challenges for the Philippines.

To enhance its partnership with Civil Society Organisations and Trade Unions through capacity development and enhanced protection against intimidation, threats and violence.

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OUTLINE





1. ABOUT THE SOLIDAR ECONOMIC AND SOCIAL RIGHTS MONITOR

In 2015, all United Nations member states signed up to the 2030 Agenda for Sustainable Development: a global commitment to transform our current model of economic development into one based on respect for human rights and the environment. In 2017 – with the aim of promoting policy coherence for development – the new European Consensus on Development announced the alignment of the development policies and operations of the European Union (EU) and its member states with the 2030 Agenda.

According to SOLIDAR, the 2030 Agenda constitutes a powerful framework to:

a) Promote a model of sustainable development at the service of the greatest number and not of the few, while making the full realization of human and environmental rights its main objective;

b) Ensure the progressive realization of economic and social rights, namely decent work, social protection and freedom of association.

The Economic and Social Rights Monitoring Report (ESRM) is a tool developed by SOLIDAR members and partners within the framework of the EU-funded program "Organizing International Solidarity" (OIS).

The objective of the ESRM is to engage in a structured dialogue with the EU, by collecting the views and recommendations of civil society organizations (CSOs) on the contribution of national and European policies and programs to the achievement of the Sustainable Development Goals, and especially of:



SDG 3: Good health and Wellbeing



SDG 4: Quality Education



SDG 8: Decent Work and economic growth



SGD 16: Peace, Justice and Strong Institutions

17 PARTNERSHIPS FOR THE GOALS

SDG 17: Partnership for the Goals

2. PHILIPPINES – COUNTRY BACKGROUND AND DEVELOPMENT STRATEGY

TABLE 1. PHILIPPINES AT A GLANCE

Population ¹	109.581.085 (2020)
Gross Domestic Product (GDP) ²	361.489 Billion (2020)
Human Development rank ³	107 over 189 countries
Total public spending on social protection, excluding health (percentage of GDP) ^₄	2.6 of GDP (2020)
Sustainable Development Score (current) ⁵	64.5/100 (103 over 165 countries)

¹ https://data.worldbank.org/indicator/SP.POP.TOTL?locations=PH

² https://data.worldbank.org/indicator/NY.GDP.MKTP.CD?locations=PH

³ http://hdr.undp.org/en/countries/profiles/PHL

⁴ https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/---publ/documents/publication/wcms_817572.pdf

⁵ https://dashboards.sdgindex.org/profiles/philippines



2.1 The EU and the Philippines relations and development strategy

The European Union (EU) support to the Philippines currently focuses on governance, job creation, renewable energy and assistance to vulnerable populations, specifically in Mindanao, which is the poorest region of the Philippines and has been affected by conflicts and population displacement.⁶

In terms of trade relations, since 25 December 2014, the Philippines has enjoyed enhanced trade preferences with the EU under the **EU's Generalised Scheme of Preferences plus (GSP+).** The special incentive arrangement grants full removal of tariffs on two thirds of all product categories, aiming to support sustainable development and good governance. Being a GSP+ beneficiary, the Philippines are required to **respect and implement the 27 international conventions in the areas of human rights, good governance, labour rights and environmental protection.** The EU continuously monitors the implementation of these conventions with the involvements of CSOs and, every two years, issues a report on progress made by the country in this direction.⁷

6 https://ec.europa.eu/international-partnerships/where-we-work/philippines_en

7 https://eeas.europa.eu/headquarters/headquarters-homepage/1694/philippines-and-eu_en



3. BUILDING AN ENABLING SPACE FOR CIVIL SOCIETY ORGANISATIONS (CSOS) AND HUMAN RIGHTS DEFENDERS (HRDS)

3.1 Legal and regulatory framework for CSOs

The fundamental rights of Filipino citizens are embedded in the Philippine Constitution of 1987, in the section 4 of the Bill of Rights states: "No law shall be passed abridging the freedom of speech, of expression, or of the press, or the right of the people peaceably to assemble and petition the government for redress of grievances." The right to free speech and freedom of assembly as expressed in the Constitution also guarantees the existence of CSOs and trade unions. The activities of CSOs and trade unions are also regulated. However, in recent years, there have been policies enacted that may threaten the work of CSOs and Trade Unions that advocate for human and trade unions rights. First, the Filipino Securities and Exchange Commission issued a Memorandum Circular in 2018 which imposes stricter guidelines on civil society organizations and their funding sources.⁸ Second, in 2020 in the middle of the pandemic, the government enacted the Anti-Terror law (ATL) which imposes harsher penalties even for suspected terrorists.⁹ The ATL is also seen as an obstacle not only to freedom of speech but also to freedom of association. Both of these policies are targeted at the armed communist front. However, by the nature of these policies, they can also be used against any organizations, including trade unions, which are vocal and criticize the government. Finally, the Department of Foreign Affairs (DFA) released Note No. 2021-0592 dated February 5, 2021.¹⁰ According to the note, funding from foreign government to their partner NGOs in the 8

⁸ https://www.sec.gov.ph/mc-2018/mc-no-15-s-2018-guidelines-for-the-protection-of-sec-registered-non-profit-organizations-from-money-laundering-and-terrorist-financing-abuse-npo-guidelines-2/

⁹ https://www.officialgazette.gov.ph/downloads/2020/06jun/20200703-RA-11479-RRD.pdf

¹⁰ A news article about this note can be accessed here: https://mb.com.ph/2021/02/21/foreign-diplomatic-missions-now-required-to-clear-all-ngo-donations-with-dfa/

Philippines needs to be cleared first with the DFA. This policy aims to prevent terrorist organizations from receiving funding but has huge impacts on the work of CSOs.

Cases of violations of freedom of expression, assembly and association

There have been reports coming from trade unions about union busting especially during the pandemic. For example, the Labour Education and Research Network (LEARN), a labour NGO, reported that in 2020, the president of the IUF-affiliated Federation and Cooperation of Cola, Beverage and Allied Industry Unions (FCCU-IUF), along with two union leaders employed at the Coca Cola Beverages Philippines, were sacked in May 2020 on false accusation of "economic sabotage" for allegedly instigating a work stoppage (i.e., economic sabotage) during the months into the first strict lockdown imposed in the Philippines.¹¹ The union claimed that the termination of the union leaders was baseless and therefore, illegal. Shortly after the termination of the union leaders, union members who launched a picket-protest were arrested allegedly for violating health protocols despite the fact that union members were strictly observing physical distancing and wearing of masks. The workers were released from detention after a day. However, the illegally terminated union leaders are still to be reinstated.¹² All these events clearly violate workers' right to freedom of association.

On 30 November 2020, five union leaders and labour activists in Cebu who were protesting the passage of the anti-terror law were also arrested, allegedly for breaching COVID-19 health protocols.¹³ Police barged into the grounds of the University of the Philippines Cebu to disrupt the protest in clear violation of not only the right to freedom of speech but also the accord between the University of the Philippines and the Department of National Defense, which bars security personnel from entering the premises of the university without the latter's permission. The union leaders and labour activists were later on set free following massive calls for their release from trade unions, worker organizations, and CSOs.

17 PARTNERSHIPS FOR THE GOALS

The lockdown imposed by the government to control the spread of COVID-19 in 2020 was also used to prevent people from exercising their rights to free speech and peaceful assembly. Transport workers, who are among the most affected by the pandemic in terms of income loss, launched several small protests due to lack of support from the government. Some of these protests were met with harsh treatment from the government resulting in some workers being arrested.¹⁴

¹¹ The whole province of Pampanga was on total lockdown beginning 27 March 2020.

¹² An online petition in support of reinstatement of the illegally terminated workers was launched by the International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Associations (IUF) can be found here: https://pre2020.iuf.org/w/?q=node/7789

¹³ https://www.rappler.com/nation/arrested-anti-terrorism-bill-protest-cebu-city.

¹⁴ https://www.rappler.com/nation/jeepney-drivers-arrested-on-way-sona-protest-july-27-2020

3.2 Mechanisms for the protection of Human Rights Defenders (HRDs)

The Philippines has ratified fourteen of the eighteen International Human Rights Treaties, including the International Covenant on Civil and Political Rights (ICCPR) and the Convention Against Torture (CAT) and Other Cruel, Inhuman or Degrading Treatment or Punishment. The Philippines also ratified all the eight ILO fundamental conventions and has put in place many domestic laws to support these international instruments. However, **the enforcement of these laws and the quality of institutions tasked to enforce these laws are insufficient.**

The Philippine Constitution also created the Commission on Human Rights (CHR)¹⁵ which conducts investigations about cases of human rights violations and recommends the filing of cases against such violations. The CHR has been a critical voice towards the Duterte government's violent war on drugs.

In recent years, trade unions and labour-oriented NGOs have taken some initiatives aimed at strengthening the protection of workers' rights and human rights. In the 2019 "Philippine Workers' and Trade Union Report on the SDGs – Workers' and Trade Unions' Commentary on the PIDS Zero-Draft on the Philippines' Voluntary National Review on the SDGs", an output of a project supported by the International Labour Organization Philippine Country Office, trade unions drew attention to a report of the Center for Trade Union and Human Rights, which exposed that a total of 42 labour rights defenders were killed since 30 June 2016, and no one was served justice.¹⁶ The trade unions took this

15 The whole province of Pampanga was on total lockdown beginning 27 March 2020.

16 Center for Trade Union and Human Rights (2019). State of Workers Rights in the Philippines Under Duterte Administration in 2018. Center for Trade Union and Human Rights Monitoring and Documentation report presentation, Iglesia Filipina Independiente Cathedral Hall, Taft Avenue, Manila, 28 January 2019.





Civic space and Human Rights Defenders' (HRDs) under attack in the Philippines

Different tactics are used to reduce and to close the space for CSOs, trade Unions and HRDs to act and operate safely. The main ones are:

- 1. *Red tagging.* The government intensified its war against armed communist rebels. There have been cases involving state forces actively linking critics and progressive organizations to the armed rebels. Red tagging has not only created a false image by the public of activists and trade unionists but also risked the lives of these people.
- 2. *Illegal arrests and detention.* Illegal arrests and detention of unionists and activists intimidate workers into not joining unions and protest activities. There has been a rise in illegal detention especially since the pandemic started.
- **3.** *Extra-judicial killings and murder of activists.* The murder of several activists followed the enactment of the Anti-Terror Law.¹⁷
- 4. Online smear campaign against activists, unionists, and government opposition. The government was recently flagged for hiring online trolls to shape online discourse about the government.¹⁸

issue to the ILO Committee on Application of Standards (CAS) at the 108th Session of the International Labour Conference (ILC) in Geneva in June 2019.¹⁹ In response, the ILO CAS formally called on the Philippine government to accept a Tripartite High-Level Mission which will review the steps taken by the government to address the numerous allegations of anti-union violence and the progress made in pending investigations. At the time of writing, the Philippine government has not yet accepted the Tripartite High-Level Mission despite repeated follow ups by the ILO supervisory bodies. Trade unions, meanwhile, continue to demand the government to allow the ILO's High-Level Mission to conduct investigations on the killings from 2016-2019 and in recent years.

3.3 Capacity-development opportunities for CSOs

Many trade unions and CSOs rely on external funding for capacity building.²⁰ While CSOs claim their effectiveness in delivering services to their target groups, their limited capacity remains a problem. In addition, the pandemic further limited the capacity of CSOs and many had a slow transition toward online activities. Organizations that have shifted online face the twin challenge of communication and connectivity infrastructure. This affects their capacity to have meaningful interaction with their target groups. Despite these limitations, trade unions and CSOs continue to implement their worker/community outreach programmes.

The ILO Philippine Country Office has been actively supporting various capacity-building programmes and projects for trade unions, workers'

19 ILC Provisional Record No. 5B (Part 2), Report of the Committee on the Application of Standards - Part 2: Information and reports on the application of Conventions and Recommendations.

¹⁷ https://www.rappler.com/newsbreak/iq/names-activists-killed-by-duterte-government-bloody-sunday-march-7-2021

¹⁸ https://www.rappler.com/technology/features/philippine-troll-armies-coda-story. The Commission on Audit recently flagged the government's hiring of personnel allegedly engaged as online trolls: https://cnnphilippines.com/news/2021/7/7COA-PCOO-contract-of-service-personnel.html

²⁰ CODE-NGO. (2016). Assessment of the enabling environment for civil society organizations in the Philippines. https://www.civicus.org/images/EENA_Philippines_En.pdf

organizations, and labour-oriented CSOs. The forms of support include training and seminars, research, development of labour rights monitoring system, and facilitating social dialogues at the national and international levels. In particular, the project *"Labour's Position Paper on the UN Socioeconomic and Peacebuilding Framework (UNSEPF) for COVID-19 Recovery in the Philippines (2020-2023) and the UN Sustainable Development Cooperation Framework"* has been successfully used by the trade unions in initiating a dialogue with the UN Country Team.

Moreover, the ITUC and Global Union Federations, as well as trade union solidarity and support organizations (TUSSOs), continue to provide funding and training opportunities to trade unions in the Philippines. Many of these interventions have been effective in building the capacity of trade unionists and workers in running their organizations and engaging, through social dialogue and lobbying, with employers, various government departments and agencies, and the legislature.

3.4 Main challenges in cooperation with the private sector

Cooperation initiatives between trade unions and the private sector (i.e., employers and employers' organizations) **are seldom.** The three main challenges in developing cooperation between these two industrial relations actors include contending perspectives and positions on issues (e.g., minimum wage, non-standard forms of employment, unionization), absence of trust and, corollary to these two challenges, difficulty in sustaining cooperation or partnership forged, if any. Nonetheless, there have been a few successful cooperation initiatives at the industry level. For example, in 2011, trade union federations in the banking sector made use of the industry-level social dialogue mechanism — the Banking Industry Tripartite Council (BITC) — to negotiate added protection for jobs (i.e., preventing those jobs from being transferred to third parties) by asking the Bangko Sentral ng Pilipinas (Central Bank of the Philippines) to define the essential

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17 PARTNERSHIPS FOR THE GOALS

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banking functions which cannot be outsourced. While the Bangko Sentral only limited the essential and inherent banking functions to five areas, in 2011, the unions were able to forge an agreement (BITC Regulation No. 1) with the banks and the Bangko Sentral, which stipulates that enterprise unions will be consulted for any plan of the company that involves outsourcing certain positions, re-assigning affected regular workers to other departments, and engaging third-party subcontractors.²¹ Examples of cooperation are more evident at the workplace level through collective bargaining, especially during the pandemic. In many unionised enterprises, collective bargaining has played an important role in coming up with adaptation and business resiliency measures that are mutually acceptable to union and management. In the banking industry in the Philippines, collective bargaining has been used to address the possible disruptive impact of digitalization. For example, the collective agreement of two banks and an insurance company whose unions are affiliated with the National Union of Bank Employees bears a provision that obligates the company to inform the union a month in advance of any technological innovation or upgrading that it plans to introduce. The provision also states that no union member will be laid off and workers affected will be trained on the use of the new technology.²²

During the COVID-19 pandemic, the adoption of a moratorium on wage increases in the first year of a collective agreement, moderation of yearly wage increases (i.e., lower wage increase), and maintenance of the existing level or type of other economic benefits (i.e., no improvements from the previous collective agreement) are the ways in which social partners tried to minimize job losses and protect earnings in the context of an economic recession and a bleak economic outlook as a result of the COVID-19 pandemic.²³

²¹ Marasigan, Mary Leian C. and Serrano, Melisa R. (2014). Philippines. In Melisa R. Serrano (ed.) Between Flexibility and Security: The Rise of Non-standard Employment in Selected ASEAN Countries. Jakarta: ASEAN Services Employees Trade Unions Council (ASETUC), p. 98.

²² Serrano, Melisa R. (2021). Collective bargaining and the COVID-19 pandemic: Philippines. Research report of a research project commissioned by the International Labour Organization, Geneva, 30 May 2021. 23 Ibid.

STICE 17 PARTNERSHIPS

3.5 Participation in policymaking and public consultation

The State shall, by law, facilitate the establishment of adequate consultation mechanisms. Nonetheless, trade unions and CSOs must continuously push and pressure the state for their involvement in policymaking in the country. Thus, over the years, an improvement in the involvement of CSOs in policymaking is observed.

Many CSO actively participate in policymaking as advocates.

CSOs and trade unions often engage in the legislative process by submitting drafts of bills to legislators who can champion them, participating in public hearings, and conducting mass demonstrations to increase pressure.

The Philippines has a Decent Work Country Programme, which is the product of a meaningful collaboration among the tripartite partners: trade unions, and employers' organizations, and the government, with the support of the ILO Philippine Country Office. However, this is yet to be integrated into the 2030 Agenda National Plan and mainstreamed into the Philippine Development Plan. While trade unions have had successful engagements with the Department of Labor and Employment, the same cannot be said with other policymaking bodies of the government, particularly the National Economic and Development Authority, the socio-economic planning department of the government that leads the implementation of the 2030 Agenda, and the Philippine Development Plan.

The Philippines has also ratified the **ILO Convention No. 144 on Tripartite Consultation** (International Labour Standards). Yet, **meaningful consultation with the labour sector is yet to materialize.** Thus, trade unions have been calling for the institutionalization of genuine labour representation in all public institutions, especially in government offices where the representation is very limited.

In 2020, while the pandemic might have prevented physical public consultations and hearings, CSOs and trade unions were able to adapt by **participating in online dialogues and discussions with the government.** For instance, the largest labour coalition Nagkaisa conducted a number of dialogues with legislators and government economic managers in the early part of the lockdown. These dialogues focused on crafting an economic agenda and stimulus plan to arrest the economic crisis caused by the pandemic.

Based on the above, the 3 key capacity development needs identified by LEARN are:

- Developing the skills and tools to effectively engage with police and military actors to stop the spate of harassments, arrests, detention, and killings of union leaders and labour activists.
- Providing the space and strengthen the capacity for trade unions and CSOs to have a formal dialogue and representation with the EU to probe into state-led violations of labour rights and human rights in the country. The country's enjoyment of EU's Generalized Scheme of Preferences Plus (GSP+) is contingent on the promotion and respect of workers' rights and human rights.
- Improving the capacity of trade unions to monitor the enforcement of labour standards and workers' rights at the workplace.

4. DECENT WORK FOR ALL

4.1. Working conditions

Job insecurity or precarious employment is among the main challenges concerning working conditions in the Philippines. This is manifested in the rise of non-standard or non-regular forms of employment, which include short-term work, agency-hired work, project-based work, seasonal work, and casual work. In 2015, there were 7 million employees in both the private and public sector who were in precarious work in the Philippines²⁴ These workers represent 30.7% of all wage and salary employees in the country in the same year.

Currently, **the spread of COVID-19 is the biggest challenge in the workplace.** While the government has issued health and safety guidelines, the lack of robust contact tracing and socio-economic profiling of COVID-19 cases makes it difficult to determine whether workplaces and public transport system have become transmission hotspots. According to Labour Undersecretary Benjo Benavidez, the inspections done by the Department of Labour in 2020 found that **one in every five business establishments were not compliant with occupational health and safety standards.**²⁵ In the early phases of the pandemic in 2020, trade unions were already proposing for a paid pandemic leave of 14 days and for the classification of COVID-19 as an occupational disease. Responding to pressure from trade unions, the Employees Compensation Commission in 2021 included COVID-19 as an occupational disease and thus workers infected with the coronavirus can now claim for compensation. Moreover, a bill supported by trade unions was filed in the House of Representatives, which provides for a paid pandemic leave of 14 days. However, the bill has yet to go through the legislative process.

8 DECENT WORK AND FCONOMIC GROWTH

In addition, the current practice of no-work-no-pay also discourages truthful reporting of health status of workers because doing so would mean that workers who had contact with a positive case will have to undergo two weeks of quarantine. In the absence of paid quarantine leaves, workers may lose half of their monthly wages due to this quarantine requirement.

4.2 Child labour

Over the years, the Philippines' efforts in combatting child labour and in eliminating the worst forms of child labour have had notable gains. The Labour Code of the Philippines specifies that no child below 18 years old shall be employed except when he/she works directly under the sole responsibility of his/her parents and guardian, and his/her employment

²⁴ ILO Country Office for the Philippines (2017). Decent Work Country Diagnostics: Philippines 2017. Manila: ILO, p. 28. Available at: https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---ilo- manila/documents/publication/wcms_588875.pdf

²⁵ Crisostomo, Shiela (2020). '1 in 5 establishments not complying with health protocols.' The Philippine Star, 16 January 2021. Available at: https://www.philstar.com/headlines/2021/01/16/2070792/1-5- establishments-not-complying-health-protocols.



does not in any way interfere with his/her schooling. In 2019, President Rodrigo Duterte signed the Executive Order No. 92²⁶, which institutionalized the National Council Against Child Labor, to help further implement the Philippines Program Against Child Labor Strategic Framework. The government also

launched the 6-year #SaferKidsPH campaign, which aims to strengthen the investigation and prosecution of cases of online commercial sexual exploitation of children. Moreover, Republic Act No. 1131027, which was passed in 2018, institutionalized the *Pantawid Pamilyang Pilipino* Program (4Ps), a conditional cash transfer program that focuses on reducing child labor, among others.

Finally, under the Duterte government's Philippine Development Plan for 2017-2022, the government targets to withdraw 30% or roughly around 630,000 of the 2.1 million children engaged in child labour.²⁸ All these recent laws and policies, together with previous ones aimed at eliminating child labour in the country, have contributed to the country's "moderate advancement"²⁹ in its efforts to eliminate the worst forms of child labour.

Nonetheless, according to the 2019 Annual Poverty Indicators Survey of the Philippine Statistics Authority, for the period from January to June 2019, of the 15.6 million families with members aged 5 to 17



²⁶ https://www.officialgazette.gov.ph/downloads/2019/09sep/20190917-EO-92-RRD.pdf.

²⁷ https://www.officialgazette.gov.ph/2019/04/17/republic-act-no-11310/.

Based on the 2011 Survey on Children conducted by the Philippine Statistics Authority, the number of working children 5 to 17 years of age is estimated at 2.097 million, of which 2.049 million are in hazardous child labor. https://www.dole.gov.ph/news/dole-vows-to-free-5m-children-from-illegal-labor/.
 This classification is from the US Department of Labor.

https://www.dol.gov/sites/dolgov/files/ILAB/child_labor_reports/tda2019/Phillippines.pdf.

years old, about 7.6% (or 1.19 million) had working children.³⁰ A majority (63%) of these families were in the rural areas (745,000 households). Most working children are found working informally in agriculture and services (e.g., domestic work, scavenging, selling flowers in the streets). The current pandemic can potentially increase the number of working children because it has increased economic insecurity, profoundly disrupted supply chains and halted manufacturing.

As a result, a loss in household income is expected and more children could be forced into exploitative and hazardous jobs. Those already working may do so for longer hours or under worsening conditions. Gender inequalities may grow more acute within families, with girls expected to perform additional household chores and agricultural work. The ILO and UNICEF stress that: *"Girls are particularly vulnerable to exploitation in agriculture, informal labour and domestic work, and face greater risks of sexual and gender-based violence."*³¹ Moreover, temporary school closures may exacerbate these tendencies, as households look for new ways to allocate children's time.³²

4.3 Job discrimination

In general, **job discrimination is prohibited in the Philippines and there are laws that prohibit it.** The Philippine Labour Code strongly

bans discrimination at work with respect to pay, promotion, training opportunities, and study and scholarship grants. The Magna Carta of Women (Republic Act 9710) also bans discrimination against women in the workplace.33 For what concern persons with disabilities, the Magna Carta for Persons with Disability (Republic Act 9442; Republic Act 7277) mandates equal treatment at work for persons with disabilities.³⁴ In addition, the Solo Parent Welfare Act (Republic Act 8972) prohibits workplace discrimination against solo parents.³⁵

Among these laws, of particular importance is the Anti-Age Discrimination in Employment Act (Republic Act 10911), which prohibits arbitrary age limitations in employment and promotes the right of all employees and workers, regardless of age, to be treated equally in terms of compensation, benefits, promotion, training, and other employment opportunities.³⁶

Concerning the rights of Indigenous People's, the Republic Act 8371 prohibits workplace discrimination against indigenous people.³⁷ Finally, the Republic Act 8504³⁸ and Republic Act 11166³⁹ ban any form of workplace discrimination against persons with HIV/AIDS.

In short, the Philippines has laws and policies in place that prohibit discrimination. **Nonetheless, there are reported cases of**

30 Philippine Statistics Authority (2020). 2019 Annual Poverty Indicators Survey (2019 APIS). Quezon City: Philippine Statistics Authority, p. 27. https://psa.gov.ph/sites/default/files/2019%20APIS_signed.pdf. 31 Ibid., pp. 11-12.

- 32 International Labour Organization and United Nations Children's Fund (2020). COVID-19 and Child Labour: A time of crisis, a time to act. New York: ILO and UNICEF, p. 1. https://data.unicef.org/resources/covid-19-and-child-labour-a-time-of-crisis-a-time-to-act/.
- 33 https://www.officialgazette.gov.ph/2009/08/14/republic-act-no-9710/.

- 35 https://pcw.gov.ph/republic-act-8972-solo-parents-welfare-act-of-2000/.
- 36 https://www.lawphil.net/statutes/repacts/ra2016/ra_10911_2016.html.
- 37 https://www.officialgazette.gov.ph/1997/10/29/republic-act-no-8371/.

³⁴ https://www.ncda.gov.ph/disability-laws/republic-acts/republic-act-9442/.

³⁸ https://doh.gov.ph/sites/default/files/policies and laws/RA08504.pdf.

³⁹ https://lawphil.net/statutes/repacts/ra2018/ra_11166_2018.html.

discrimination at work.⁴⁰ What is crucial is the enforcement of these laws which remains the main problem.

As highlighted above, achieving decent work for all remains a challenge in the Philippines.

In this context, existing instruments such as the EU GSP+ could be reinforced to put pressure on the Philippine government to strictly implement and enforce labour standards in the country including the right of workers and their organizations to meaningfully participate in domestic policymaking on areas that affect their (and their families) jobs and livelihoods (e.g., job security, minimum wages, occupational safety and health, the right to organize and bargain collectively, social dialogue).

Moreover, the EU can also encourage its member countries to adopt measures to ensure that their companies enforce labour standards and workers' rights in the latter's supply chains. An example is Germany's new law on human rights in supply chains, which was adopted by the German Parliament on 11 June 2021. This new law makes it mandatory for large companies (i.e., companies with more than 3,000 employees beginning in 2023, and companies with more than 1,000 employees from 2024) "to regularly and systematically identify and address human rights and environmental risks in their direct supply chains." The law requires companies to publish a report annually about the steps they have taken to identify and address human rights risks. The law also empowers national authorities to initiate administrative action or impose fines on companies that fail to carry out their obligations.

Successful actions that led to improvements in working conditions in the Philippines

The campaign led by the *Sentro ng mga Nagkakaisa at Progresibong Manggagawa* (SENTRO) to reinstate Citra Mina workers back to their jobs led to the creation of labour standards in the fishing industry through the Department Order 156 issued by the Department of Labour. Citra Mina workers in General Santos City were fired in 2014 for forming a union. They campaigned for the reinstatement and recognition of their union and in the process, labour issues hounding the fishing. During the campaign, more unfair labour practices in the fishing sector were uncovered. The workers called the attention of the government to all these labour rights violations and finally, the government issued Department Order 156 through the Department of Labour and Employment.

In 2019, women workers, together with the labour coalition Nagkaisa (United), campaigned for the passage of the extended maternity leave. In the past, the most women workers could get was two months of maternity leave. This was extended to 105 days through the law. The successful campaign was also made possible by support in the legislative branch, primarily from Senator Risa Hontiveros.

8 DECENT WORK AND ECONOMIC GROWTH

⁴⁰ For instance, an article by the Human Rights Watch reports a case of discrimination against HIV-positive worker who lost job. https://www.hrw.org/news/2018/02/09/philippines-discrimination-against-workers-hiv

5. UNIVERSAL ACCESS TO HEALTH

In the Philippines, access to quality healthcare has always been expensive, even before the pandemic. Out-of-pocket expenditures greatly impact households' financial capacity. This prohibits marginalized people from accessing quality health care.

In 2018, the domestic general government spending on health as a share of gross domestic product stood at 1.44%, which is less than the Association of Southeast Asia (ASEAN) average of 1.78% and way below the world average of 5.87%.41 Filipinos, therefore, incur higher out-of-pocket expenses for their health needs.

Government health expenditure as a proportion of total health expenditure was, in general, decreasing between 2000 and 2018, while the share of out-of-pocket expenses (that is, health expenses directly paid by individuals) was increasing. Based on data from the World Bank, in 2000, government health expenditure as a proportion of total health expenditure was relatively high at 44.4%, but this fell to 32.7% in 2018, a significant decline of 11% points.⁴²

Despite the criticalities and cuts of the system, there have been recent changes in the Philippines, to ensure the right to quality and universal health care. The **Universal Healthcare (UHC) Law**⁴³ in 2019 expanded

the capacity of the Philippine Health Insurance Corporation (PhilHealth), a state-run health insurance program. Under the UHC, PhilHealth now covers more in terms of population, health services, and financial coverage. The UHC automatically enrols all Filipino citizens in the National Health Insurance Program and prescribes complementary reforms in the health system, including the expansion of the coverage of the PhilHealth to include free medical consultations and laboratory tests.

Despite recent reforms, **the COVID-19 pandemic still exposed how fragile the public healthcare system is due partly to years of underfunding.** For example, the country's number of hospital beds available for every 10,00 inhabitants in a population of 9.9 (latest data of 2014) was the second lowest in the ASEAN region; even lower than smaller economies like Lao PDR and Myanmar.⁴⁴ It is evident that public **health facilities cannot adequately address the health needs of citizens.**

Although increasing the capacity is one of the objectives of the UHC Law, it appears that the country's healthcare system was unable to keep up with the sudden increase in demand for health care brought about by the pandemic.

⁴¹ World Bank (Undated). Domestic general government health expenditure (% of GDP) – Philippines. Available at: https://data.worldbank.org/indicator/SH.XPD.GHED.GD.ZS?locations=PH.

⁴² See https://data.worldbank.org/indicator/SH.XPD.GHED.CH.ZS?locations=PH; https://data.worldbank.org/indicator/SH.XPD.OOPC.CH.ZS?locations=PH;

⁴³ For the provisions of the law, see https://www.officialgazette.gov.ph/downloads/2019/02feb/20190220-RA-11223-RRD.pdf. For the implementing rules and regulations of the law, see

https://www.philhealth.gov.ph/about_us/UHC-IRR_Signed.pdf.

⁴⁴ https://www.ibon.org/covid-19-and-the-philippine-healthcare-system/



5.1. Recommendations

Health care infrastructure is not a priority in the Duterte government. The EU may consider entering a public-public partnership with the government and trade unions in the health sector in improving or building community-based healthcare facilities in selected poor communities in the country.

The country's weak public health care system is also a result of decades of **privatization**. Trade unions in the public sector in the Philippines are calling for the suspension of implementation of privatization in all its forms. In the "Labour's Position Paper on the UN Socioeconomic and Peacebuilding Framework (UNSEPF) for COVID-19 Recovery in the Philippines (2020-2023) and the UN Sustainable Development Cooperation Framework", an immediate action proposed by trade unions is the conduct of an assessment of the impact of privatization and the government rationalization programs on public services, including healthcare. **The EU may want to consider funding the conduct of this study**.

Moreover, **knowledge-sharing is also one area where the EU can help the trade unions frame better their campaigns against privatization.** There are many initiatives of "remunicipalization" and alternative forms of local public service delivery in several countries in the EU, which can be shared through educational programs (e.g., education visit, union-to-union exchange) which the EU can support.

Finally, in the context of the COVID-19 pandemic, **the EU's support is crucial in promoting vaccine equity globally** by supporting the proposal of the governments of India and South Africa, with the support of 62 member states of the World Trade Organization (WTO) for a temporary suspension of the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS). The proposal seeks to temporarily waive intellectual property rights protections for technologies needed to prevent, contain, or treat COVID-19, including vaccines and vaccinerelated technologies.

This call is meant to free COVID-19 vaccines from patent protections so that other manufacturing companies can enter the markets that multinational manufacturers cannot serve, particularly in low and middle income countries. In this way, COVID-19 vaccines can be more accessible and affordable for poor countries. The trade unions in the Philippines are supporting this initiative. They are also calling for a review of trade and investment policies to ensure developing countries will have all the policy space needed to facilitate recovery from the crisis.



6. UNIVERSAL ACCESS TO EDUCATION

In the Philippines, universal access to education is yet to be achieved. Among the main challenges is increasing the net enrollment rate in elementary and secondary education. In 2016, the net enrollment rate in elementary education was 96.2%.⁴⁵ This proportion went down to 94% in 2019. Meanwhile net enrollment rate in secondary education (junior high school and senior high school) increased between 2016 and 2019, and stood at 82.9% and 47.8%, respectively.⁴⁶ This suggests that a **large proportion of children and youth does not complete secondary education**.

Moreover, in the midst of a pandemic, there are urgent needs that must be addressed to **better equip schools in dealing with the threat of COVID-19**, especially when face-to-face classes resume. More spacious classrooms and other school facilities need to be constructed to allow physical distancing among students and school staff. Also, the shift to online classes and remote learning requires facilities, resources, and manpower to facilitate the digitalization of the educational system and to close the digital education divide. Many pupils and students, especially those whose parents lost their jobs and livelihoods as a result of the lockdowns, were not able to enroll in or eventually dropped out

Philippine Statistics Authority (2021). SDG Watch. Goal 4 Quality Education. Based on submissions as of 26 March 2021. https://psa.gov.ph/sdg/Philippines/baselinedata/4%20Quality%20Education.
 Ibid.

from online/blended learning due to lack of gadgets for online classes and access to the internet at home.

Currently, the suspension of face-to-face classes and the shift to online classes for more than one school year has deprived many children and youth from accessing education. Beginning October 2020, classes shifted to a "blended learning" programme involving online classes, printed materials, and lessons broadcast on television and social media. However, millions of Filipinos live in deep poverty and do not have access to computers and internet at home. Since the school shutdown, enrollments have dopped by more than one million in the Philippines.⁴⁷

Many young people who have dropped out of school have been caught up in the whirlwind of child labor. Concerns have been raised as well that classroom closures leave children at **greater risk of sexual violence and teenage pregnancy.**

For college students, a number of challenges facing the education sector under the COVID-19 pandemic have been identified: unstable internet connectivity, inadequate learning resources, electric power interruptions, vague learning contents, limited teacher scaffolds, poor peer communication, conflict with home responsibilities, poor learning environment, financial challenges, and physical and mental health problems.⁴⁸ Another study confirmed that the learning environment at home poses the most serious challenge to students.⁴⁹ At the time of writing, the Philippines is one of the two countries that has yet to resume face-to-face classes.

Teachers, particularly in public schools in the rural areas, shell out their own money to purchase laptops and data (for online access). There are nearly one million teaching personnel, yet in 2020 the Department of Education was able to provide only 40,000 laptops to teachers.⁵⁰ In the course of their work, teachers, particularly in the rural areas, have to brave storms and floods, traverse poor and dangerous roads, and cross rivers to distribute printed modules to school children and students and do weekly coaching and monitoring of students in their homes and communities since face-to-face classes were suspended in March 2020. This exposes teachers to the risk of COVID-19 infection and other diseases and hazards.

The quality of education facilities also affects the quality of and access to education. In public education, not all schools have access to electricity. In 2018, 5.1% of elementary schools, 3.1% of junior high schools, and 7.9% of senior high schools did not have access to electricity.⁵¹

⁴⁷ Nortajuddin, Athira (2020). More School Dropouts In A Pandemic? The ASEAN Post, 3 November 2020. https://theaseanpost.com/article/more-school-dropouts-pandemic.

⁴⁸ Rotas, E. And M. Cahapay. (2020). Difficulties in remote learning: Voices of Philippine University Students in the wake of COVID-19 crisis. Asian Journal of Distance Education. Vol. 15 Issue 2. Available at: https://files.eric.ed.gov/fulltext/EJ1285295.pdf.

⁴⁹ Barrot, J., I. Llenares, and L. del Rosario. (2021). Students' online learning challenges during the pandemic and how they cope with them: The case of the Philippines. Education and Information Technologies. Available at: https://link.springer.com/content/pdf/10.1007/s10639-021-10589-x.pdf.

⁵⁰ Bernardo, Jaehwa (2021). Lack of modules, data allowance still a problem for teachers as school year starts. ABS-CBN News, 13 September 2021. https://news.abs-cbn.com/news/09/13/21/teachers-face-same-challenges-as-new-school-year-starts?fbclid=IwAR2IXtYWvfLUWfbPG53RJoIZt9xtSTmLQbfHnX5p_QB7gBDgVtsyKiaVrT8.

⁵¹ Philippine Statistics Authority (2021). SDG Watch. Goal 4 Quality Education. Based on submissions as of 26 March 2021. https://psa.gov.ph/sdg/Philippines/baselinedata/4%20Quality%20Education.

More needs to be done as well in improving faculty qualification, particularly in higher education. In 2019, only 39% of faculty had an MS/MA degree, while a smaller proportion (15%) had a PhD degree.⁵² In terms of the number of Technical-Vocational Education and Training trainers trained, there was a decline from 6,518 in 2016 to 3,583 in 2020.⁵³

There have been **recent changes in the Philippines, to ensure the right to quality and universal education and lifelong learning.** In 2017, the Universal Access to Quality Tertiary Education Act (Republic Act No. 10931) was enacted into law. Under this Act, beginning the school year 2018-2019, the government shouldered the tuition and fees of students enrolled in 112 state universities and colleges (SUCs), 78 local universities and colleges, and technical-vocation education and training programs registered under the Technical Education and Skills Development Authority (TESDA). The law is expected to substantially increase the share in the GDP of total government spending on education.

6.1 Recommendations

Based on the above, several areas of possible intervention have been identified by LEARN:

 the EU/international community can support the demand of trade unions and CSOs in the Philippines to increase education expenditure equivalent to at least 4.5% to 4.7% of the GDP to make it at par with the world average and the average for lower-middle income countries, respectively. This can be done by supporting the campaigns of CSOs.

- The EU and the international community may provide support by shoring up resources and speeding up efforts to bridge the digital education divide. For example, the EU can embark on an "adopt a community" or "adopt a school" project for which it can provide computers and gadgets to children and youth and install free high quality WIFI facilities in selected poor communities and schools. When face-to-face classes will resume, the adopt a school project can also include support in improving physical facilities of public schools and in providing scholarship programs for teachers to complete higher education degrees (in universities in the country and in Europe) and for training programs on the development of pedagogical skills.
- In addition, the EU can support skills upgrading of young workers and the unemployed so that they may be able to take advantage of emerging jobs in Information and Communications Technology (ICT) and technology sectors during and after this pandemic.
- Upskilling and reskilling of workers, including those in workfrom-home arrangements, is another area where the EU can provide training and infrastructure support. Increasing automation, the growing use of online platforms, and the exponential growth of the gig economy provide both advantages and challenges to workers and businesses.

⁵² Ibid. 53 Ibid.

7. CASE STUDY

The Nagkaisa (United) is currently the biggest labour coalition in the Philippines composed of more than 40 labour organizations. Formed in 2012 as a response to increasing precariousness of work due to contractualization, the labour group has become an important instrument through which workers bargain with both employers and the government to influence public policies. Apart from the security of tenure campaign, Nagkaisa advocated for wage increases, employment creation, rights at work, women's rights, and social protection.

Since 2016, the labour coalition has become more active in the human rights campaign especially after a series of killings of trade unionists. Nagkaisa has initiated and joined many human rights campaigns and mobilizations, issued public statements, and called on the government to act on violations of labour and human rights.

When the COVID-19 pandemic turned into a major health and economic crisis, Nagkaisa conducted policy discussions and came up with a set of policies called "SOLAR" that aims not only to hasten economic recovery but also help in controlling the spread of the pandemic.⁵⁴ The policy proposals of Nagkaisa include wage subsidies, transfers to households, subsidies for small businesses and informal sector workers, employment guarantees, among others. Nagkaisa also proposed wealth taxes to finance economic recovery, noting that top business tycoons of the country even experienced a big increase in their total wealth during the pandemic.

Although economic recovery has become the most important topic in public discourse, Nagkaisa never wavered in its campaign on human rights, although Sonny Matula, Nagkaisa's Chairperson and a seasoned labour leader and President of the Federation of Free Workers (FFW), admitted that the fight for human rights is more difficult during the pandemic under the Duterte administration.⁵⁵

In addition, the pandemic has been used as justification to terminate the employment of unionists as well as to shut down or close company operations to prevent union organizing. It is to be noted that since 2017, the Philippines has consistently been among the International Trade Union Confederation's (ITUC) top 10 list of worst countries for working people. In 2020 and 2021, the Philippines was classified among countries where labor rights are not guaranteed, and this status is likely to remain unchanged in the next year.

Nagkaisa is currently involved in an international movement of labour organizations led by global union federations to put pressure on the Philippine government to act on human and labour rights violations. When asked what needs to be done, Matula remarked: *"The usual of course. Build a larger network and collective effort to educate and mobilize workers—all to dialogue with employers and government officials and identify allies."*

⁵⁴ SOLAR means "State of Labour and Agenda on Recovery". Research fellows from the Labour Education and Research Network took the lead in drafting the policy proposals.

⁵⁵ Correspondence via Messenger with Atty. Sonny Matula, 15 September 2020.



8. CONCLUSIONS AND RECOMMENDATIONS

In the Philippines, many trade unions and CSOs continue to rely on external funding for capacity building. The dramatic effects of the pandemic have increased this dependency and further limited the capacity of CSOs to operate in all sectors.

When it comes to the main economic and social rights challenges in the Philippines, the report has identified the following three:

- Job losses and lack of safe employment. The COVID-19
 pandemic and the continuous mishandling of the health crisis by the government caused destruction of jobs. Unemployment rate jumped to 17.7% in April 2020, its highest in more than two decades with close to eight million workers losing their jobs. Moreover, as of December 2020, over 300,000 Filipinos working abroad have been repatriated since the start of the COVID-19 pandemic as businesses overseas that employ these workers have been disrupted by the pandemic.⁵⁶
- Inadequate and expensive healthcare service and overwhelmed healthcare system amidst a surge in COVID-19 cases. The COVID-19 revealed the weaknesses of the health care system in addressing people's needs. With both public and private

⁵⁶ Baclig, Cristina Eloisa (2020). Over 300,000 OFWs repatriated since start of the COVID-19 pandemic. Inquirer.net, 14 December 2020. Available at: https://globalnation.inquirer.net/192685/over-300000- ofws-repatriated-since-start-of-the-covid-19-pandemic#ixzz6iwTJ19jC.

or: Rommelle Tesoro, Pixabe

health care facilities being highly saturated, it is important for the government to quickly expand public health care capacity because the private sector cannot be relied upon unless profits are guaranteed. High healthcare cost and inadequate facilities are only among the facets of a weak health care system, the other side being undervalued health care professionals. In recent months, healthcare workers have been complaining of receiving measly hazard pay despite the huge risks they face attending to COVID-19 patients.⁵⁷

3. Inequities in education (access to the internet, financial support to students and teachers). The education system was not prepared when the sudden shift to online classes occurred. Students who do not have internet access and appropriate hardware are lagging, if not left behind, in terms of skills development and learning. In 2021, the number of enrolled students is lower than in 2020 by 6.2%.58 However, lack of internet connectivity and gadgets also makes work of educators more challenging.

In this scenario, mobilization by the EU is increasingly urgent, together with a strong collaboration with the international community to build a larger network and support the capacity development needs of CSOs and trade unions and defend their social and economic rights.

⁵⁷ https://www.rappler.com/nation/more-healthcare-workers-to-receive-covid-19-hazard-pay-august-25-2021

⁵⁸ According to Department of Education, the enrollment is expected to still increase because the enrollment is extended until the end of September 2021. https://www.rappler.com/nation/second-year-remote-classes-begin-philippines-enrollment-figure-2021-2022



50 Avenue Des Arts. Box 5, 2nd floor. B1000 - Brussels Belgium www.solidar.org

Responsible Editor: SOLIDAR aisbl

Authors: Melisa R. Serrano, Professor, School of Labor and Industrial Relations, University of the Philippines Diliman; and Research Fellow, Labor Research Institute-Labor Education and Research Network (LEARN). Rolly Czar Joseph Castillo, Program Coordinator, Labor Research Institute-Labor Education and Research Network (LEARN). SOLIDAR Coordination: Barbara Caracciolo, Alba Gonzalez Graphic Design: Dagmar Bleyová Copy-Editor: Alba Gonzalez, Júlia Miragall

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This publication was produced with the financial support of the European Union. Its contents are the sole responsibility of SOLIDAR and do not necessarily reflect the views of the European Union

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