

NINETEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Third Regular Session)

24 JUL 23 A 8 :09

SENATE

RECEIVED BY: Jed

S. No. 2735

Introduced by Senator Jinggoy Ejercito Estrada

**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**

EXPLANATORY NOTE

Section 8, Article III Bill of Rights of the Constitution provides that, "The right of the people, including those employed in the public and private sectors, to form unions, associations, or societies for purposes not contrary to law shall not be abridged."

The Universal Declaration of Human Rights (UDHR), proclaimed by the United Nations General Assembly in 1948 and set out fundamental human rights to be universally protected, states that everyone has the right to freedom of peaceful assembly and association¹ and has the right to form and to join trade unions for the protection of his interests².

Further, the Freedom of Association and Protection of the Right to Organise Convention of 1948, which was ratified by the Philippines, provides that workers shall have the right to establish and join organizations of their own choosing³, and

¹ Article 20, Universal Declaration of Human Rights

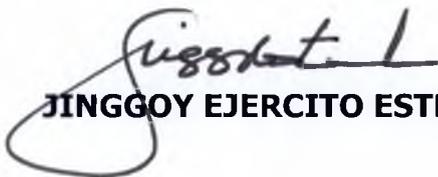
² Article 23, UDHR

³ Article 2, Freedom of Association and Protection of the Right to Organise Convention, 1948

that public authorities shall refrain from any interference which would restrict or impede the lawful exercise thereof⁴.

Despite these guarantees, Filipino workers experience harassment, coercion and intimidation from many fronts, with the ultimate objective of silencing the voice of the labor force. The International Trade Union Confederation (ITUC) named the Philippines (alongside Bangladesh, Belarus, Ecuador, Egypt, Eswatini, Guatemala, Myanmar, Tunisia and Türkiye) as one of the 10 worst countries in the world for working people in its Global Rights Index Report 2024. The country also received a poor rating in terms of compliance with collective labor rights, as ITUC monitored more than 70 trade unionists having been killed in the past eight years.

In view of further strengthening the legislative framework protecting the freedom of workers to association and organization, and recognizing the significance of such rights in uplifting the conditions of the working class and in establishing peace and sustained progress, the passage of this measure is sought.



JINGGOY EJERCITO ESTRADA

⁴ Article 3 (2). Freedom of Association and Protection of the Right to Organise Convention, 1948

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

1 Section 1. *Title.* – This Act shall be known as the "*Strengthening the Freedom*
2 *of Association of Workers Act*".

3 Sec. 2. *Declaration of Policy.* – It is the primary responsibility of the State to
4 protect and uphold the rights of all workers and promote their welfare, and to afford
5 full protection to labor, local and overseas, organized and unorganized.

6 The State shall protect the Constitutionally-guaranteed rights of all workers to
7 self-organization, collective bargaining and negotiations, and peaceful concerted
8 activities, including the right to strike in accordance with law.

9 It is also the policy of the State that any violation thereof is not only a
10 violation of the civil rights of all workers, but also a criminal offense against the
11 State.

12 Sec. 3. *Coverage.* – For purposes of this Act, any person who shall restrain,
13 harass, or coerce or unduly interfere with any private worker or workers' association
14 trade union center, federation, union, or labor or employees organization in the
15 exercise of their rights to self-organization, or shall, in any manner, commit any act
16 in violation of the provisions of this Act, and such acts or commissions not otherwise

1 under the jurisdiction of the Department of Labor and Employment (DOLE) and its
2 appropriate agencies pursuant to the Labor Code of the Philippines and Executive
3 Order No. 180, entitled "Providing Guidelines for the Exercise of the Right to
4 Organize of Government Employees, Creating a Public Sector Labor-Management
5 Council, and for Other Purposes," shall be liable under this Act.

6 *Sec. 4. Definition of Terms.* – As used in this Act:

7 a) *Harass or harassment* refers to the manifestly physical or verbal or
8 systematic or continued unwarranted action of one party or group,
9 including threats and demands;

10 b) *Worker* refers to any person in the employ of another, regardless of their
11 employment status, tenure or nature of the agreements or contracts, as
12 well as ambulant, intermittent, self-employed, rural workers, those without
13 definite employers, and all workers in the informal sector; and

14 c) *Workers' organization or union* refers to any organization, union,
15 association or group of workers and employees, or local chapters or
16 affiliates, which exists in whole or in part for the purpose of collective
17 bargaining, including federations, national unions, trade union centers, as
18 well as ambulant, intermittent, self-employed, rural workers, and those
19 without definite employers, who organize for their mutual aid and
20 protection, promotion of interest and welfare, cooperation, and protection,
21 or other lawful purposes.

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

24 a) To require, force or coerce a worker to join or not join a workers'
25 organization or union, or to relinquish or renounce membership therein;

26 b) To require, force or coerce a workers' organization or union to join or
27 relinquish or renounce its affiliation or membership to any workers'
28 federation or national union;

29 c) To require, force, or coerce any worker to join or not join a workers'
30 organization or union, or to relinquish or renounce membership therein to
31 be able to access any government service, aid or program;

- 1 d) To require, force or coerce any worker to attend any information drive or
2 seminar which encourages or dissuades workers from organizing a
3 workers' organization or union or participating in any activity of the
4 workers' organization or union, or that which labels or vilifies any workers'
5 organization or union;
- 6 e) To encourage or discourage a worker from voting or supporting a specific
7 workers' organization or union during certification election;
- 8 f) To discriminate a worker in any establishment or business in order to
9 discourage membership in any workers' organization or union;
- 10 g) To prevent a worker from carrying out duties laid upon them by their
11 position in the organization or union, or to penalize them for the action
12 undertaken in such capacity;
- 13 h) To interfere, impede, obstruct, or hinder in the establishment, functioning,
14 or administration of workers' organizations or unions; and
- 15 i) To otherwise interfere, impede, obstruct, or hinder any lawful and
16 peaceful activities of the workers and workers' organization or unions.

17 *Sec. 6. Conduct and Prohibited Acts of State Agents and Government Officials*
18 *and Employees.* – State agents and government officials and employees shall
19 protect, respect, and advance workers' rights and civil liberties at all times, in
20 compliance with their oaths or affirmations to uphold and defend the Constitution.
21 All their actions, as an individual and as a formed unit, shall always be compliant
22 with existing laws and conventions on the respect and protection of human rights.

23 They shall not:

- 24 a) Encourage or dissuade workers from exercising their right to organize a
25 union or participate in any legitimate and lawful activity of the
26 organization or union, such as holding pro- or anti-union seminars, and
27 other pro- or anti-union information drives, whether within the company
28 premises or not, including industrial or special economic zones;
- 29 b) Interfere during the conduct of representation elections and workers'
30 organization or union elections, such as encouraging or discouraging
31 workers to vote or support a specific individual or workers' organization or
32 union;

1 c) Harass or forcibly interrogate workers, organizers, or workers' organization
2 or union officials on the basis of mere membership or affiliation to labor
3 organizations or unions; and

4 d) Collect or use personal data of workers, labor organizers, or workers'
5 organizations or unions' officials such as name, home address, and contact
6 details which can be used for harassment and profiling.

7 *Sec. 7. Complaint Mechanism.* – The DOLE shall verify and act on claims of
8 trade union rights violations without prejudice to existing mechanisms under the
9 Commission on Human Rights or other concerned government agencies. The
10 complaint mechanism shall be subject to the Implementing Rules and Regulations of
11 this Act.

12 *Sec. 8. Promotion of Trade Unionism.* – The DOLE shall lead the efforts in
13 promoting free trade unionism and in fostering a strong labor movement in the
14 country. To this end, it shall take a proactive role in strengthening the protection of
15 workers from discrimination and interference in the exercise of their right to organize
16 and form workers' organizations and unions.

17 *Sec. 9. Penalties.* – Any person who restrains, harasses, coerces, or unduly
18 interferes with any worker or workers' association or union, in the exercise of their
19 rights to self-organization or in any manner commits any violation of Sections 5 and
20 6 of this Act shall, upon conviction, be punished by a fine of not less than One
21 hundred thousand pesos (P100,000.00) or imprisonment of not less than one (1)
22 year but not more than two (2) years, or both, at the discretion of the Court.

23 If the offender is a public official, the Court, in addition to the penalties
24 provided in the preceding paragraph, may impose additional penalties of
25 disqualification from any appointive or elective position and forfeiture of all benefits.

26 Any violation of the provisions of Section 6 shall be imposed with the
27 maximum penalty provided under this Act.

28 *Sec. 10. Separability Clause.* – If for any reason, any provision of this Act is
29 declared unconstitutional or invalid, such parts not affected thereby shall remain in
30 full force and effect.

1 Sec. 11. *Repealing Clause.* – All laws, decrees, executive orders, rules and
2 regulations and other issuances or parts thereof which are inconsistent with this Act
3 are hereby repealed, amended or modified accordingly.

4 Sec. 12. *Effectivity.* – This Act shall take effect fifteen (15) days after its
5 publication in the *Official Gazette* or in any two (2) newspapers of general
6 circulation.

Approved,