

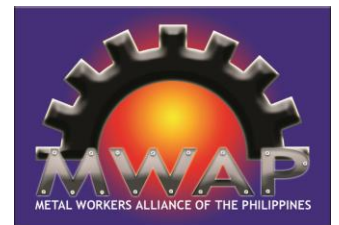
# *FIGHTING AGAINST PRECARIOUS WORK*

Presented by the Metal Workers Alliance of the  
Philippines (MWAP)

For the IndustriALL Global Union

World Conference on ICT, Electrical & Electronics

11-12 June 2015, Petaling Jaya, Malaysia



# Low Wages

- RA 6787 or Wage Rationalization Act of 1989
- Minimum wage rates vary per region, ranging from PhP205 (USD4) in Region IV-B to PhP466 (USD10) in NCR
- Estimated family living wage of P1,086 a day (IBON, 2015)
- 1 out of 4 Filipinos live with less than P53 a day while 1 of every five working Filipinos (21.9 percent) still live below the poverty line (working poor)
- 2-Tiered Wage system
  - 1st tier (Floor wage P255)
  - 2nd tier (Performance based using bell curve approach)

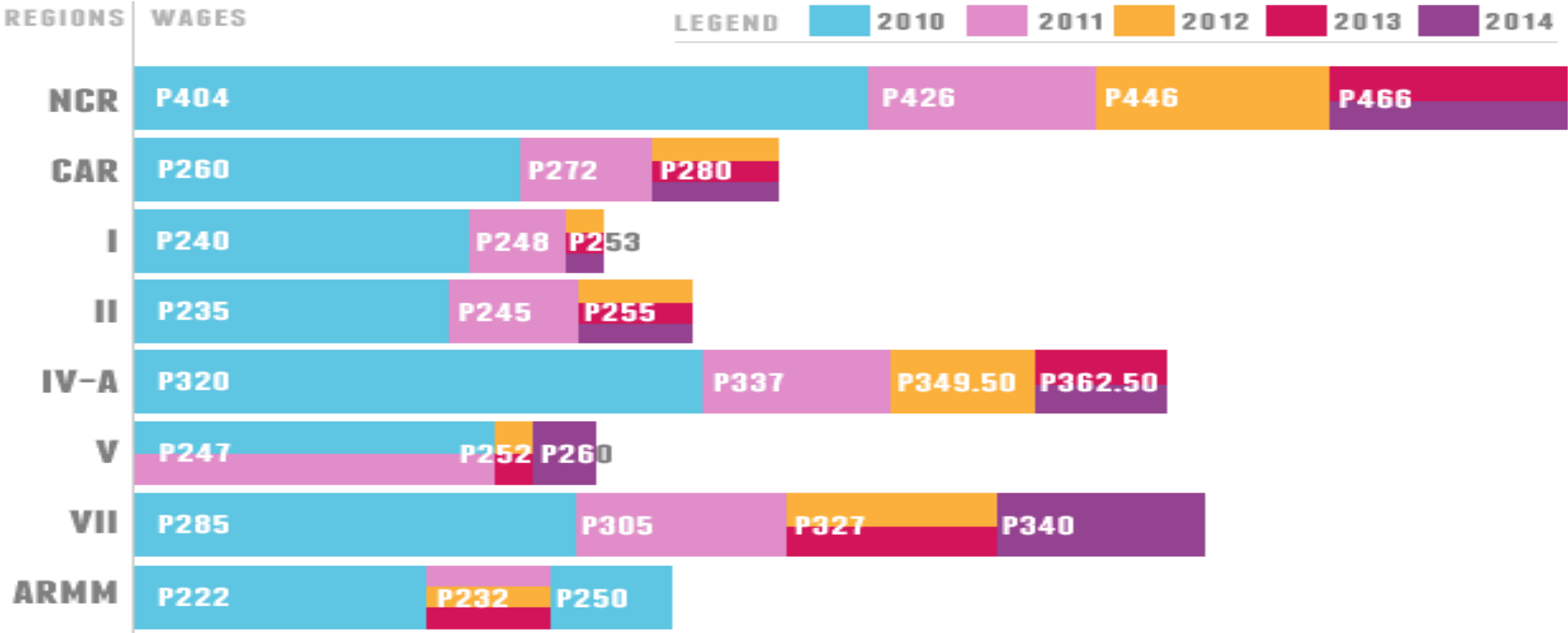
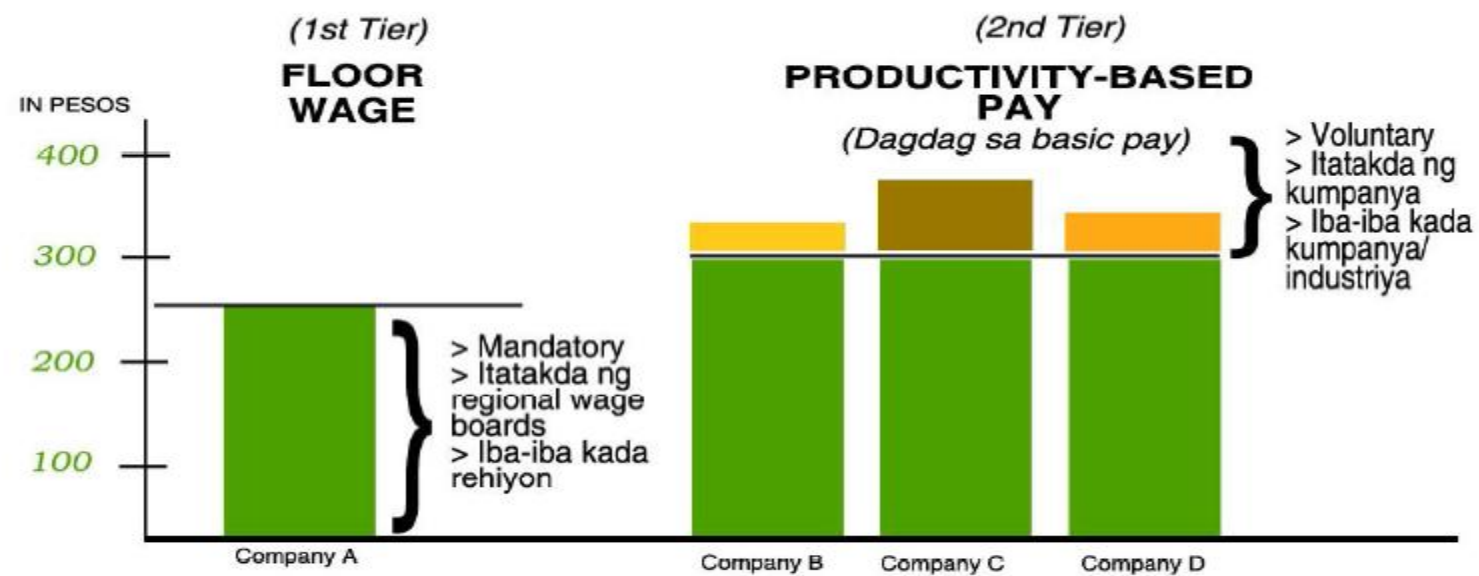


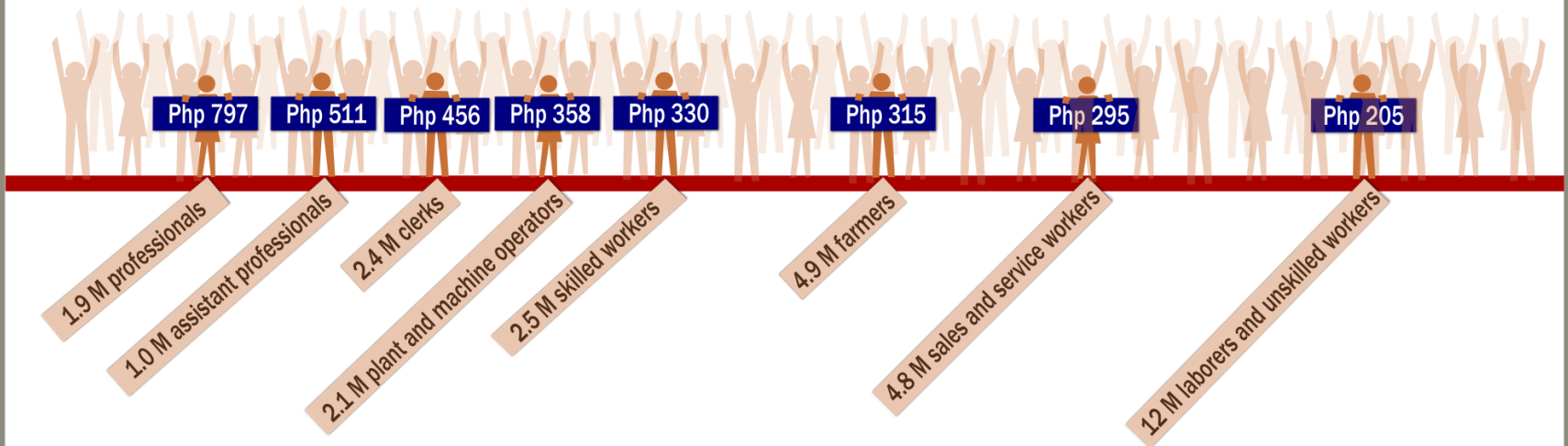
Figure 1: Disenyo ng implementasyon ng two-tier wage system



# Working Filipinos' average daily basic pay **insufficient** for decent living

**Php1,088 Family Living Wage**

THE FAMILY LIVING WAGE IS THE AMOUNT NEEDED BY A FAMILY OF 6 FOR FOOD AND NON-FOOD NEEDS



Source: Labor Force Survey, National Wages and Productivity Commission



# Unemployment & Precarious Jobs

- Unemployment rate in 2014:
  - Gov't data: 6.8%
  - IBON Foundation: 10.2%
  - SWS survey: 27%
  - ILO Global Trends 2014: Phils has highest unemployment rate in Southeast Asia
- Rampant contractual employment and other flexible labor schemes
  - Types of contractual employment: contract workers for 5 months, project-based, agency workers, outsourcing, subcontracting, labor cooperatives, Dual Training System
  - 7 out of 10 jobs are either own-account/self-employed workers
  - Increasing number of part-time and self-employed workers
- 6,092 Filipinos leave the country daily to find work abroad (IBON Foundation)
- Laws that legalized contractual employment
  - RA 6715 or Herrera Law, DO 18-A, Series of 2011

# *DO 18-A, series 2011 Essential Points*

- Recognizes subcontracting as a legitimate business undertaking, and regulates the “supply side” to induce *legitimate, responsible and ethical subcontracting.*
- *[DOLE powerpoint presentation]*

	<b>% Non-regular</b>
<b>All industries</b>	<b>44.32%</b>
<b>Manufacturing</b>	<b>94.37%</b>
Construction	81.21%
Accommodation and Food Service Activities	50.26%
Information and Communication	35.07%

Note: 50%-90% of non-regular workers in Semiconductors and Electronics Industry are mostly women

# Inhumane working Conditions

- Rampant violations of labor standards and OHS
  - Bureau of Labor and Employment Statistics (BLES) documented in 2011 20,635 cases of occupational accidents in companies with more than 20 workers. 161 of these were fatal.
  - 72 died from a fire that gutted Kentex Manufacturing Inc (13 May 2015)
  - 11 construction workers died when the wall of the warehouse building they were constructing collapsed (Jan 2015)
  - a worker from Hanjin Shipyard was pinned to death by the machine he was operating (Sept 2014)
  - 8 women workers Asia Micro Tech Inc died from the fire that gutted their factory (June 2014)

**“We work to live, not to die!”**





# Inferno in Kentex Manufacturing



Photos: AP, Bullit Marquez and  
Tudla Productions

# Anti-union, Anti-worker measures

## **PHL one of the worst places to work in – ITUC labor rights index**

By **DANESSA O. RIVERA**, GMA News May 28, 2014 5:46pm



The Philippines is among the worst countries in the world for employees to work in, the Brussels-based International Trade Union Confederation (ITUC) said in a report.

On this matter, ITUC has lumped the Philippines with most Southeast Asian countries that failed the assessment on workers' rights.

But the Employers' Confederation of the Philippines (ECOP) noted such label unjustly generalized the Philippines, saying such evaluations must be based on "empirical data."

ITUC's [Global Rights Index](#) assessed 139 countries on compliance with collective labor rights, as defined by International Labor Organization (ILO) Conventions.

Countries were ranked from 1 (best) to 5 (worst) based on 97 indicators related to workers' rights. The evaluation was done from April 2013 to March 2014.

According to the Global Rights Index, the Philippines garnered a rating of 5, along with Cambodia, Laos and Malaysia.

Countries with the rating of 5 have laws that cover rights workers but are not effectively accessible, which expose laborers to autocratic regimes and unfair labor practices.

# Trade Union Rights Violations

- Violations of workers' rights ( no-union, no-strike policy in special economic zones)
- 82 cases of trade union and human rights violations affecting almost 10,000 workers in 2014 (CTUHR)
  - Dismissals, refusal to bargain with the union, and union busting
    - NXP, Takata, Optodev, Karzai, Stronghold Steel, Tanduay Distillers, PAC, Hoya, Carina, Pentagon Steel, Katolec
  - False criminal charges (target: Labor Leaders, active union members and organizers)
    - 5 NXP Union Leaders – NXP Union Busting and CBA fight (May-Sept 2014)
  - Extra-judicial killings and Enforced Disappearances
    - Benjamén Villeno - December 2013 (former Honda union president)
    - Florencio Romano- March 2015 (union organizer)
  - Arrest & Detention, Harassment, Surveillance
    - NXP, Tanduay, Karzai, Hoya, Carina
    - 2 Honda union leaders arrested during a support rally for striking Tanduay workers (3 June 2015)



Photos from STEX, WAR 3, MWAP

ISSUES AND  
CHALLENGES IN  
PRECARIOUS  
WORK

# Precarious Work in the Electronics & ICT

- The use of precarious forms of employment (contractual, temporary, agency, outsourced, DTS, etc) is widespread in the electronics and ICT industry. The number of contractual workers sometimes doubles and in some cases even triples the number of regular workers, rendering the regular workers a minority inside the company (*based on MWAP's informal survey with workers in several electronics firms in the Philippines*).

# Workers at the losing end

- Workers are always at the losing end in precarious employment
  - Low wages, no benefits, lacks social protection
  - Job insecurity, subjected to irregular and unreliable work hours, easily terminated
  - Not allowed to join unions
  - Higher rate of occupational health and safety issues
  - Promotes individualism, avoids unions for fear of losing jobs
  - Sows division among workers – regulars vs. contractuels

# Trade union on the decline

- Trade union movement is on a decline, mainly due to the widespread practice of labor flexibilization schemes and other neo-liberal policies imposed by the Philippine government
- Contractualization weakens trade unionism through the reduction of permanent workers, the traditional base of trade unions. Less than 10% of the Philippines' total labor force is unionized and much smaller are workers with CBAs



# Workers' health & safety at risk

- Non-unionized workplaces are among the top violators of health and safety standards
- Workers, especially contractuales, are often deprived of their right to know what chemicals and other hazards are present in the workplace, its effects and the safety measures to be taken
- DO 57-04 - self-inspection for companies employing more than 200 workers. This gave license for companies to commit further violations.

# Difficulty in organizing

- Difficulty in organizing contractual workers for fear of losing jobs and because of their employment vulnerability



# WHAT TO DO?

- *Organizing contractual workers is a major necessity to preserve and strengthen the labor movement*
- *Unions must actively campaign against precarious work and fight for an end to contractualization/PW*

STRATEGIES TO  
COMBAT  
PRECARIOUS  
WORK

# Organizing the Unorganized

Organize contractual workers and other unorganized workers

a) formation of unions, workers' associations, mutual aid organizations, etc

b) thru CBA – issue of regularization and benefits for contractual workers are items included in CBA negotiations

- 200 workers in NXP put on regular status after the CBA fight
- continuing program of regularization in EDS Manufacturing
- 19 workers granted regular status in auto parts factory Daiwa
- 15 workers granted regular status in Clarmil factory

# Education and Information

Education and information drive is vital in raising workers' awareness on fundamental labor rights esp FOA

- Education, trainings, workshops, forum, discussion groups
  - 10 Aug 2014: Organizing and Empowering Contractual Workers
    - Sponsored by MWAP, Contractuals for Change Media Collective (CCMC) and Churchpeople Workers Solidarity (CWS)
  - 24 Aug 2014: Contract Workers: Right to Organize and Collective Bargaining
    - Sponsored by IndustriALL, hosted by MWAP
  - IndustriALL forum/activities on PW in the Phils
  - Regular group discussions among contractual workers
- Dissemination of materials, pamphlets, fliers, statements

# Workshop on Empowering Contractual Workers



# Contract Workers: Right to Organize and Collective Bargaining





# Effective Campaigning

- Utilize the power of social media and combine them with traditional forms of campaigning
  - NXP case: online campaigns, FB, Twitter, Instagram, protest actions at the local/national levels and Global Days of actions were some of the methods used to defeat the union-busting schemes of the company. The victory in this fight resulted in the reinstatement of 12 union officers, a new CBA package with higher and additional benefits, decent severance package for 12 dismissed officers and the regularization of 200 contractual workers
  - Decent Work campaign every 7 Oct
    - national mobilization of IndustriALL affiliates in the Philippines
    - Local mobilization of MWAP
  - Campaign to support the Electronics Challenge to pro-actively reduce and eliminate chemical and physical hazards thru adoption of safer alternatives
    - Filipino translation of the document for popularization

# NXP campaign



Dear Apple users, 

NXP Philippines, one of Apple's supplier of microchips including those for the upcoming iPhone 6, has terminated **24 union officers** who merely enjoyed the April holidays with their families.

The 24 NXP workers need your help. Show your support to the **#bringbackNXP24** campaign by doing the following:

-  Tweet @Tim\_Cook about NXP Philippines' illegal dismissal of 24 workers with hashtag #bringbackNXP24.
-  Post a photo of you and your Apple gadgets with a #bringbackNXP24 placard.




iPhone 6  
Bigger, Faster, **Flawed**

The ethical flaw? Grave labour rights violation by supplier NXP in the Philippines



# World Day for Decent Work

- MWAP motorcade and program in Southern Tagalog during the World Day for Decent Work, 7 Oct 2014



# Advocacy and Lobbying

- Campaign to repeal and revoke laws and policies that promote labor flexibilization policies and other laws inimical to the workers.
  - Passage of HB 4396 or Regular Employment Act
    - complete ban on contractualization and not just reduced incrementally
    - removal of Labor Code provisions that allow companies to hire workers under repeated contracts instead of as tenured workers
  - HB 4635 or Worker's Safety and Health Inspection and Employer's Liability Decree (Worker's SHIELD)
    - criminalization of violations on OHS
    - requires the DOLE to perform mandatory inspection of all establishments regardless of size and nature of operation

*(Both bills were filed by Gabriela Women's Party List in Congress)*

# Alliance and Solidarity Work

- Building alliance among workers, both regular and contractuels, to counter management's scheme of pitting the workers against each other
- Unity with different sectors of society
- Solidarity and support for other workers in metal and other industries, both in the Philippines and outside, because an injury to one is an injury to all
  - Support to Walmart workers
  - Support on the ITUC global call for the right to strike
  - Justice for Kentex workers
  - Regularization for 397 contractual workers in Tanduay Distillers, Inc
  - Support to workers of Karzai Corp. protesting against contractualization and unfair labor practices
  - Holcim-La Farge: No merger without rights
  - Glencore Mining

# Standing in solidarity with our brothers & sisters



# Concerted Actions

- Mobilization and other forms of collective action to assert basic rights of workers



# Social Dialogue

- Social dialogue to protect workers, stop precarious employment and promote decent work
  - concerned government agencies (DOLE, PEZA)
  - Policy makers (Senate & Congress)
  - Tripartite bodies such as ILO
  - Companies
  - Other stakeholders



# ILO Global Dialogue Forum on Electronics

- Global Dialogue Forum on the Adaptability of Companies to Deal with Fluctuating Demands and the Incidence of Temporary and Other Forms of Employment in Electronics held in Geneva, 9-11 Dec 2014
- All parties raised points on the issue of the use of precarious workers especially during fluctuating demands. Expectedly, there were different perspectives
- Reached a consensus but many points still need to be ironed out
- Challenge lies on how the recommendations would be implemented and how will it promote decent and sustainable jobs
- Promotion of and adherence to the fundamental rights at work (FPRW)
- Speaking from the workers' perspectives, we remain firm in our stand that fluctuating demands is not an excuse and do not justify the employment of contractuales/temporary/precarious workers. We believe that security of tenure must be enjoyed by all workers and that companies must strive to promote permanent employment to its workers

# Summary

- In summary, precarious work is an issue that we need to effectively address. We have to explore different ways and approaches including, but not limited to, social dialogue, legislations and concerted actions. An enabling environment must be created to protect the precarious workers.
- Promoting decent work means stopping precarious work. To have a more sustainable labor environment, freedom of association, and with it is the right to strike, must be ensured for all workers. Organizing precarious workers and integrating them into unions can arrest the decline in the trade union movement and strengthen the power of the working class.
- At the end of the day, we can only rely on our unified strength to win the fight against precarious work.
- Our call remains: **“End Contractualization, Regular Jobs for All Workers!”**

**END CONTRACTUALIZATION!  
FIGHT FOR REGULAR JOBS!**



**METAL WORKERS ALLIANCE OF THE PHILIPPINES**

**MWAP**

*an affiliate of*

