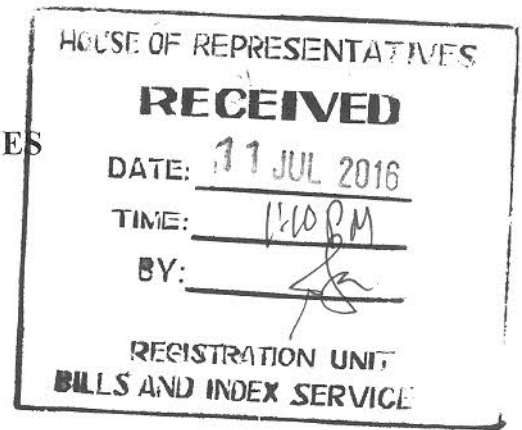


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

SEVENTEENTH CONGRESS
First Regular Session

House Bill No. 1354



Introduced by Hon. Karlo A. B. Nograles and Hon. Jericho Jonas B. Nograles

EXPLANATORY NOTE

The right to self-organization is a universal human right and recognized by the Philippines through its ratification of ILO Convention No. 87 on Freedom of Association. The convention states that "workers, without distinction whatsoever, shall have the right to establish and ... join organizations of their own choosing".


A workers' organization draws strength from solidarity, gained from affiliation with other organizations of workers. Part of the right to self-organization is the freedom to work with international workers organizations, allowing direct and indirect engagement in their trade union activities and the acceptance of any and all kinds of assistance.

However, some provisions of the Labor Code of the Philippines restrict the full exercise of the workers' right to self-organization, particularly with respect to the engagement of foreign organizations in their union activities. In order to remedy this and in keeping with the spirit of ILO Convention No. 87, this bill proposes to amend the Labor Code by:

- (a) Allowing foreign individuals and foreign organizations to engage in trade union activities in the Philippines; and
- (b) Allowing the extension of foreign assistance to labor organizations and workers groups.

In order to allow our workers to exercise, to the full extent, their right to self-organization, the approval of this bill is earnestly sought.


HON. KARLO A. B. NOGRALES


HON. JERICHO JONAS B. NOGRALES

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AN ACT

ALLOWING FOREIGN INDIVIDUALS OR ORGANIZATIONS TO ENGAGE IN TRADE UNION ACTIVITIES AND TO PROVIDE ASSISTANCE TO LABOR ORGANIZATIONS OR GROUPS OF WORKERS, AMENDING FOR THE PURPOSE ARTICLES 269 AND 270 OF PRESIDENTIAL DECREE NO. 442, AS AMENDED, OTHERWISE KNOWN AS THE “LABOR CODE OF THE PHILIPPINES”

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

SECTION 1. Article 269 of the Labor Code is hereby further amended to read as follows:

“ART. 269. *Non-[P]prohibition against aliens[; Exceptions].* – All foreign individuals, as well as all foreign organizations [are strictly prohibited from engaging] MAY ENGAGE directly or indirectly in all forms of trade union activities [without prejudice to] ONLY THROUGH normal contacts between Philippine labor unions and recognized international labor centers.[; *Provided, however, That a*]Aliens working in the country with valid permits issued by the Department of Labor and Employment[,] may exercise the right to self-organization and join or assist labor organizations of their own choosing for purposes of collective bargaining[; *Provided, further, That said aliens are nationals of a country which grants the same or similar rights to Filipino workers*].”

SEC. 2. Article 270 of the Labor Code is hereby amended to read as follows:

“ART. 270. *Non[R]regulation of foreign assistance.* – (a) [No f]Foreign Individuals, organizations or [entity] ENTITIES may give [any] donations, grants or other forms of assistance, in cash or in kind, directly or indirectly, to any labor organization, group of workers or any auxiliary thereof, such as cooperatives, credit unions and institutions engaged in research, education or communication, in relation to trade union activities, without prior permission by the Secretary of Labor AND EMPLOYMENT.

“Trade union activities” shall mean:

“(1) organization, formation and administration of labor organizations;

“(2) negotiation and administration of collective bargaining agreements;

“(3) all forms of concerted union action;

“(4) organizing, managing, or assisting union conventions, meetings, rallies, referenda, teach-ins, seminars, conferences and institutes;

“(5) any form of participation or involvement in representation proceedings, representation elections, consent elections, union elections; and

“(6) other activities or actions analogous to the foregoing.

“(b) This [prohibition] **NONREGULATION OF FOREIGN ASSISTANCE** shall [equally] **NOT** apply to foreign donations, grants or other forms of assistance, in cash or in kind, given directly or indirectly to any employer or employer’s organization to support any activity or activities affecting trade unions.

“(c) The Secretary of Labor **AND EMPLOYMENT** shall promulgate rules and regulations to regulate and control the giving and receiving of such donations, grants, or other forms of assistance, including the mandatory reporting of the amounts of the donations or grants, the specific recipients thereof, the projects or activities proposed to be supported, and their duration.”

SEC. 3. All acts, laws, executive orders, presidential issuances, decrees, rules and regulations inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SEC. 4. This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,