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Workers Capacity Building Programme on Social Dialogue, Monitoring and Compliance of Labour Standards

12-14 April 2018
Pontefino Hotel, Batangas City

Day	Topic	Resource Person
Day 1 (12 April)		
8:30-9:00	Registration Opening Remarks Expectation Setting	ILO and SALIGAN
9:00-9:15	Project Updates (ILO USDOL LI Project)	Cerilyn Pastolero, ILO LI Project
9:15-10:00	Presentation of Highlights of the Amended Rules on Contracting and Subcontracting (DOLE D.O. 174-17)	Dir. Tess Cucueco, DOLE BWC
10:00-10:15	Open Forum and Break	
10:30-11:30	Presentation on Updates on Labour Inspectorate Reforms	Dir. Tess Cucueco, DOLE BWC
11:30-12:00	Open Forum	
12:00-1:00	Lunch	
1:00-1:45	Exercise: Identifying Good Practices and Issues on Labour Laws Compliance	Cerilyn Pastolero, ILO LI Project
1:45-2:45	Presentation of Good Practices on Trade Union Campaigns on Labour Laws Compliance	Arun Kumar, ILO Regional Specialist for Workers Activities
2:45-3:30	Lecture on Monitoring and Case Documentation of Enterprise Compliance to Laws on Contracting and Subcontracting Strategies	SALIGAN
3:30-3:45	Break	
3:45-4:00	Case Study Exercises	SALIGAN
4:00-5:00	Presentation of Case Analysis	SALIGAN
Day 2 (13 April)		
8:30-9:00	Recap	
9:00 – 10:30	Exercise: Discussion on Proposals for Clarifying Trade Union Representation During Labour Inspections under AO 164-17	Arun Kumar, ILO Regional Specialist for Workers Activities
10:30-10:45	Break	
10:45-12:00	Exercise in Plenary : Mapping out Strategies to Promote Compliance to Labour Laws	Cerilyn Pastolero, ILO LI Project
12:00-1:00	Lunch	
1:00-1:30	Registration Opening Remarks Expectation setting	ILO and SALIGAN
1:30-1:45	Project Updates on ILO EU GSP+ FoACB	Verna Viajar, ILO FoACB Project

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Day	Topic	Resource Person
Day 2 (13 April)		
1:45-2:15	Presentation on C. 87 and C. 98	Verna Viajar, ILO FoACB Project and Arun Kumar, ILO Regional Specialist for Workers Activities
2:15-2:30	International Labour Standards and the ILO Supervisory Mechanisms	Arun Kumar, ILO Regional Specialist for Workers Activities
2:30-3:00	2016 CEACR and 2017 DCM Recommendations on FOACB rights	Diane Respall, ILO Programme Officer
3:00-3:15	Open Forum and Break	
3:15-4:15	Workshop: Common issues, Good Practices, and Strategies on Social Dialogue Towards Compliance in FOACB/Labour Relations	ILO and SALIGAN
4:15-4:45	Reporting on Labour Relations (FoACB)	
4:45-5:15	Lecturette and Strategizing Session on Labour Relations (FOA CB) focused on case documentation	SALIGAN
5:15-5:30	Open forum and break for the day	
Day 3 (14 April)		
8:30-9:00	Recap	
9:00-10:00	Role of government agencies in FOA cases and the 2011/2012 Guidelines	SALIGAN
10:00-11:00	RTMB operational guidelines and role of tripartite mechanisms in the context of FOACB; and AO35 IAC manual guidelines in the context of Labor Related Cases	DOLE-BLR
11:00-11:30	Open Forum	
11:30-12:00	Criminal and investigative procedures: Manual of operations	PNP/CIDG
12:00-12:30	Open Forum	
12:30-1:30	Lunch Break	
1:30-2:00	Discussion: "Constitutional remedies of advocates on human rights/FOA cases filed"	SALIGAN
2:00-2:30	Open Forum and Break	
2:30-3:30	Discussion (1): Brief consultation on the Review of RTMB, AO35, NMM operational guidelines Discussion (2): Evaluation/TNA session for module development	Labor unions and facilitators
3:30-4:00	Evaluation Handing out of Certificates Closing Ceremonies	

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Workers' Training on Social Dialogue, Case Documentation and Monitoring on Compliance of Freedom of Association and Collective Bargaining Rights (FOACB)
13-14 April 2018, Pontefino Hotel, Batangas City

Highlights of Proceedings

DAY 1 April 13, 2018 (Friday)

(Started: 1:25 pm)

1. **Thirty-seven individuals attended the 1.5-day training. A total of 12 women and 15 men were present. Among the labor groups represented were the following:**
    a. Associated Labor Unions-Trade Union Congress of the Philippines (ALU-TUCP)
    b. Confederation of Filipino Workers
    c. Associated Labor Unions-National Office
    d. IndustriALL
    e. ALU-Central Visayas Region
    f. Trade Union Congress of the Philippines (TUCP)
    g. PINTAS/Alliance of Workers in the Informal Economy/Sector
    h. AWATU/IndustriALL
    i. Pinag-isang Tinig at Lakas ng Anakpawis (PIGLAS) SENTRO
    j. United Pulp and Paper Co. Inc.- FFW
    k. Philippine Metal Alliance (PMA)
    l. Ateneo de Davao Employees Union-FFW
    m. TAPI Employees Union-PFW
    n. Manggagawang Komunikayon sa Pilipinas (MKP)
    o. FFW Lopez Sugar Corporation
    p. FFW-Iloilo Misssion Hospital Employees Labor Union
    q. Ateneo-FFW
    r. Hawaiian Philippines Sugar Workers' Union (HPSWU) National Congress of Unions in the Sugar Industry of the Philippines (NACUSIP)
    s. Lakas sa Industriya ng Kapatirang Haligi Ng Alyansa (LIKHA) Federation TUCP
    t. Philippine Agricultural, Commercial, and Industrial Workers' Union (PACIWU)
    u. Sentro ng mga Nagkakaisa at Progresibong Manggagawa (SENTRO)
    v. Federation of Free Workers (FFW)

2. **Opening activities and expectations check**

This training programme, according to Verna Viajar (NPC for FOACB project), address the issues relating to violations on trade union rights and civil liberties, which are issues that often come under the subject of labor relations. In relation to the labour inspectorate project, the current enterprise inspection system enforced by DOLE, in certain instances lead to the detection of violations of workers' right to self-organization and collective bargaining. This is one of the reasons why the LI and the FOACB trainings have been conducted as back-to-back events.

The FOACB project under which this training programme operates is supported by EU GSP+. In the presentation of the project objectives, FOACB links with the aims of the UN Sustainable Development Goals specifically SDG 16.10 and 16.3 and the ILO Country Program Outcomes. Further, the training programme likewise addresses the 2016 Comments of the Committee of Experts Report on the Application of Conventions and Recommendations (CEACR) and the 2017 Direct Contact Mission Recommendations which noted unresolved cases of labor related extra judicial killings (EJKs) and slow resolution of these cases.

The general aim of the FOACB project is to capacitate the tripartite partners, e.g. government, employers and workers' and their organizations tackle and handle violations on trade union rights and civil liberties. This training is designed to meet that objective for the workers' side. It aims to improve the participants' knowledge on the system of procedures in place including the agencies involved. It also aims to help workers identify skills and information gaps, which, if addressed may enable them to better assist in case investigations and monitoring. The results of this capacity-building activity shall serve as basis for developing a Module for Workers Training on FOACB.

After the introduction and updates of the project, Verna provided a brief introduction on Convention 87 (Freedom of Association and Right to Organize) and Convention 98 (Right to Organize and Collective Bargaining) before turning over the discussion to Arun Kumar, Specialist for Workers' Activities, ILO Bangkok.

Method used: energizer activity, lecture with slide presentation

3. **Presentation on C 87 and C 98 by Arun Kumar, ILO**

In his presentation Arun Kumar mentioned that Conventions 87 and 98 are fundamental labor rights that have been ratified by the Philippines. Convention 87 is the right to freedom of association while C98 is the right to organize and collectively bargain. He noted that while these rights are fundamental, they would be meaningless in the absence of civil liberties, e.g. right to life, freedom and security of a person from arbitrary arrest, opinion and expression, etc.

Arun also talked lengthily about how the exercise of the right to freedom of association and collective bargaining greatly contributes to national economic development. He noted that collective bargaining re-distributes wealth and helps to keep company profits invested in the local economy. Higher wages and other monetary benefits realized through collective bargaining also improves domestic consumption, which in turn support the growth of domestic manufacturing and agriculture.

Given their positive impact on the national economy Arun said that the exercise of trade union rights are patriotic acts as well as duties. It benefits workers, but it also helps improve the local economy. Further still, social legislations such as minimum wage and mandatory social security coverage improve the health of social security funds and the banking sector which borrow money from publicly-funded financial institutions. Higher wages could help develop ordinary lives and make growth inclusive. Yet, given the previously noted relationship between labor rights and economic well-being, inclusive growth can only happen if workers' rights are recognized.

He also discussed the workers' rights provided by Convention 87 and 98. Arun said that these rights are not absolute, and so they are often regulated by labor laws. Convention 87 was designed to prevent interference by the State, while Con 98 was designed to prevent interference by employers.

He expounded on the basic principles of Convention 87 and 98 by quoting parts from the texts of these Conventions based on which he discussed what have been the workers' experiences in the exercise of those rights, obstacles faced, grey areas and the limitations that have been imposed on those rights. For example, procedures can make collective bargaining difficult, so even if the law provides certain rights to workers, there can be many hurdles. Different countries may also have different interpretations of workers' rights. Some countries may require union registration as a condition for the exercise of trade rights, while some might not. In addition, there can be grey areas too. For example, when can employer 'support' be considered as interfering with trade union affairs and when is it not?

Notes on delivery of lecture: Straight lecture with the aid of slides. He elaborated on the content by linking rights and the economy, citing the historical context, and noting the experiences of unions in other countries in order to illustrate alternative and best practices.

This lecture took about 50 minutes. Arun ended his lecture at 2:40 pm.

4. International Labour Standards and the ILO Supervisory Mechanisms by Arun Kumar

Arun talked about ILO supervisory mechanisms: regular supervision and special procedures. He first focused on regular supervision which refers to the regular reporting made by governments to the ILO. He also mentioned that workers can also submit to the ILO their comments on how their governments are applying the standards. The Committee of Experts on the Application of Standards and Recommendations (CEACR) examine reports and comments.

Then he discussed special procedures which are complaints monitoring procedures. Arun noted that complaints may be filed by workers to the ILO against their government's violation of standards. According to Arun, it is good to route the complaint via a national labor center and to include documentary evidences (such as new articles, documents, testimonies etc) in the complaint because allegations are not admissible. The Committee on Freedom of Association (CFA) investigates the complaints. It is important, according to Arun for union to remain vigilant and follow-up on on active complaints and even on previously 'closed cases' and if needed, to submit supplementary information.

Notes on delivery: Straight lecture with slides, lasted 15 minutes.

5. 2016 CEACR and 2017 DCM Recommendations on FOACB rights by Diane Respall

Diane talked about the context of the 2017 ILO Direct Contacts Mission (DCM). She said it was conducted as a follow-up on certain cases of violations on trade union rights which were earlier reported during the 2009 ILO high-level mission. The 2009 mission looked into unresolved cases of killings of trade union leaders. She noted that among the issues raised by the 2017 DCM were the slow progress of cases and limited convictions on violations of civil liberties and trade union rights issues.

She mentioned that the 2016 CEACR also contained a number of requests for the government to monitor, investigate, resolve and prevent the repetition of similar acts violative of civil liberties and trade union rights. The CEACR noted the presence of a number of challenges in the gathering of evidence. It also noted the need to strengthen investigative and judiciary proceedings. Likewise, there were requests from the CEACR and the Committee on the Application of Standards (CAS) related to FOA and CB.

Diane noted that the conclusions reached by the DCM and the Committee on the Application of Standards (CAS) suggest the need for legislative amendments, fight the climate of violence and ensure effective protection for trade unionists, and effective implementation of laws and remedies.

Notes on how the lecture was delivered: Lecture was aided by slide presentation and lasted 31 minutes (3:08 till 3:37pm)

6. An open forum followed Diane's lecture and the following questions were asked by participants:

- Which group or agency should conduct a *motu propio* investigation? The police, although it was also mentioned that this question can be raised in the session by the speaker from the PNP.
- Are there alternative ways and approaches on witness protection other protection granted by the State?
- If the union asks for the re-opening of a case that has already been closed by the PNP, can the union be entitled to witness protection as well?
- Does the DCM specify up to when can governments should comply with its requests and recommendations? No, it does not.
- What can be done about practices in the PEZA zones that thwart organizing efforts? This was phrased more as a comment than a question and no further comments were given afterwards.

The open forum took 16 minutes (3:37-3:53pm)

7. Workshop by Atty. Hazel

The workshop was about identifying common issues, good practices, and strategies on social dialogue towards compliance in FoACB/Labour Relations. Hazel asked the participants to form themselves into groups with 5 members each and to go through the section on Labor Relations (page 7 of the Labor Law Assessment Checklist) and identify three issues that they have had. Participants wrote their answers on metacards. The workshop took 16 minutes (3:58pm to 4:14pm)

The results were as follows:

- Unions did not focus on LR because the inspection did not dwell much on labor relations. One participant shared a case where the inspection only focused on LOC, safety, general labor standards.
- Issues were also raised in the inspection process in non-organized enterprises, namely: "limitations on gathering formation on pending cases", "no safety officer and cannot identify hazards", and "no appropriate respondent".

- Participant sharing: union was not informed of the schedule of inspection; management dominated of the flow of the inspection; minimal or constrained participation by workers; workers were intimidated by mere presence of owner or HR
- Someone asked why the LR questions are located towards the end of the checklist? It was suggested to move part at the beginning when inspectors are not yet too tired. It was also noted that the process of inspection tends to differ between organized and unorganized enterprises.
- One participant reported that in one unorganized establishment, the worker who assisted the inspection was later terminated
- Grey areas were raised: If a company does not have a written version of its rules and regulations, is there a violation in terms of inspection?
- There is no assigned HR in the establishment
- Yellow unions are difficult to detect using the checklist.

The discussion of results took 27 minutes. The day's session was adjourned at 4:43pm.

DAY 2 April 14, 2018 (Saturday)

8. Role of State Agents in the Exercise of Workers' Rights to FOA by Atty. Hazel

Hazel asked the participants to form groups with five members each. On the screen she showed 'briefs' of labor dispute cases with a question (agree or disagree) at the end. Each group had to decide whether they agree (buhay) or disagree (tepok).

The following questions were raised by participants during the activity:

- Could workers be disciplined for temporarily their job to join a 'welgang bayan'?
- What about joining a strike or picket during one's lunch break?
- Can the company not allow workers to engage in work (lockout)?
- Can you say no to an invitation by the CIDG?
- Can you say no to an invitation for having allegedly committed a continuing crime?
- What is the difference between invitation and subpoena?

The exercise took 45 minutes (8:15-9:00am)

Hazel proceeded with her lecture. She said the Philippines has signed the most number of international conventions among all countries. She discussed the following topics:

- Principles and conventions that guarantee freedom of association
- Role of government and its functionaries in labor dispute especially DOLE, CHR, chief executive, RTMB, law enforcement agency in labor disputes.
- She emphasized the role of DOLE in regulating, monitoring and providing relief.
- She also discussed the role of DOLE vis-a-vis other agencies during a labor dispute.
- She clarified what the role of law enforcements agencies are
- Situations when AFP and PNP may intervene, role of PNP Peace-keeping team or civil defense unit (CDU), when AFP may get involved
- Remedies

Hazel asked participants if they need more knowledge about the process e.g. PNP IAS, ombudsman or would they rather learn more skills in evidence gathering, affidavit making, interviewing, types of evidence

in order to participate in investigation, monitoring and processing of cases. The participants said that yes they need more information about the case process and they also need to learn related skills.

Questions raised by participants

- Is the employer/employee representative allowed to bring police escorts?
- In a strike, can the management hire more security guards?
- What if the employer brought in more bodyguards (possibly private army)?
- Are companies allowed to hire 'iskirols' during a strike?

The session ended at 9:35am. The methodologies used included structured learning exercise, lecture (question and answer format). Tools used were metacards, whiteboard, slides.

9. Remedies for aggrieved parties on violations of constitutional guarantees

Hazel discussed the concept of Writs of Habeas Corpus ("bring me the body"), Habeas Data ("you should have that information"), and Amparo (protection). To focus the discussions Hazel raised specific questions as she went along with her lecture:

- What remedies come to mind if labor leaders or members are harassed, killed, intimidated?
- Where do you file a ULP case?
- Where do you file for a case of EJK, threat, injury?
- What if you do not know who imprisoned or restrained the aggrieved party?
- What does Habeas Corpus mean?
- Where is this filed?
- What does this (writ) address?
- What does this mean?
- What does first degree of consanguinity mean?
- Who is the respondent in habeas data?
- In which instances would (specific writs) apply?
- Who can file?
- Where can you file?
- If one is threatened with termination if she he/she files a case: can one invoke the writ of Amparo?
- What does preponderance of evidence mean?
- What does substantial evidence mean and where does it apply?
- In a criminal case what amount of evidence is needed?

She emphasized that should an incident lead to the death of a member, the union should file a case for murder.

She asked participants if they need to know about the entire process to perform the task of labor organizers and whether including the sample forms in the module would be helpful to them. The participants answered that they need process information and access to sample forms.

Only two questions were raised during the lecture

- Does it mean the writ of habeas data is for cyber libel?
- Are the courts concurrent?

This session lasted 37 minutes.

10. Criminal and investigative procedures: Manual of operations by PNP SPO4 Rabe

According to Verna, this topic is discussed to enable participants to know what to do in order to assist in case investigation and monitoring so as to prevent cases from becoming inactive. Inactive cases turn into cold (unsolved) cases. According to her, a session similar to this one was given in the RTMB training in Davao.

SPO4 Rabe focused his lecture on the following areas:

- Cardinal rules of investigation
- Protocols in investigation; jurisdiction of CIDG
- Duties of first responder
- Tools of an investigator
- Phases of investigations
- Common Investigation oversights
- Chain of custody – very important for the police. This means proper turnover of evidence by the police. Mishandling of evidence, gaps in chain of custody can lead to the dismissal of a case.
- Rights of the person under custodial investigation RA 7438
- Basic Criminal Procedure
- Methods of arrest

The lecture took 35 minutes.

The questions during the open forum were:

- Can you decline an invitation by the PNP?
  - Yes, because coming to the station is almost like being arrested, RA 7438 will now apply and the person would probably want a lawyer present. However, if for example the police received a complaint, the first thing that they do is to investigate. The police will send a letter of invitation to the party being complained about for her/him to go to the station and try to settle the matter with the complainant. If a person believes that he/she is innocent or if the just he/she simply wants to give a clarifying statement, it is better to go to the station. But, if one is asked to go to the station without a letter of invitation from the police, then the 'invitation' would be similar to an arrest.
- Can a person voluntarily submitting himself/herself to investigation be arrested immediately after he or she gives her testimony?
  - The police must be able to file a case within a period (for non-heinous crimes maximum is 2 hours) after the individual has given a testimony. If not, the police must release the person.
- In a rally or strike, what does maximum tolerance mean?
  - Though this question was not answered directly, the response suggest that maximum tolerance means the exercise of utmost restraint by the police to not act against the strikers. The police are ordered by their officers not react to verbal and even to physical

provocations by the rallyists, but sometimes he said it could not be avoided especially if strikers inflicted physical harm on the police.

- Can police bring guns in a rally? No, definitely not.
- How many days/weeks is a hot pursuit operation?
  - Until the person is arrested, but he said more or less one week because a long period of hot pursuit might be more difficult to justify in court.
- What are examples of continuing crime for which warrantless arrest can be done?
  - An example would be if a person was killed in one city but the body was dumped in another area.
- Can a search warrant be applied in RTCs that are located 100 kms away from the place where the arrest will take place?
  - Yes, but there must be a reason given, eg. to prevent possible leakage and it also depends if the judge approves the request or not.
- Why are suspects now called 'persons of interest'?
  - It is better than calling someone a 'suspect'.
- Does the police or investigator have authority to access text messages/open SIM cards and can these be used as evidences in court?
  - This is not within the capability of investigators but the cybercrime group can and have the knowledge. They can be requested to do this. Such evidences are now acceptable in court.
- Have you any personal experience of a crime involving a labor leader/member that you can talk about?
  - There was case (long ago) of a labor leader/member from Laguna who was killed and his body was dumped in Batangas. It was an unsolved case due to lack of information. He made personal follow-ups in Lipa and Laguna which did not yield results. Even the wife no longer wanted to provide information. He appealed to participants to assist in solving such crimes as police on the ground are being pressured by higher police authorities to solve cases.
- If one has knowledge about a crime (whistleblower) where should that person go and will he/she be protected?
  - He acknowledged that ensuring witness protection is an issue. Speaking from experience, he said he and his colleagues do not reveal the identities of their 'agents' even when asked by court judges. He assured the audience that the testimony they give to the CIDG is treated with confidentiality.
- You signed a MOA with DOLE, PNP, DND, etc, so is that MOA now part of your Manual of Operations?
  - He said he knows about this and every police station in the country as well as police counterparts have a copy of the guidelines.
- When and what cases are handled by CIDG and by NBI?
  - Usually, a memo from higher authorities will direct the CIDG to conduct an investigation, sometimes it is the NBI that is tasked, while at other times it would be a joint investigation.
- What if the CIDG and NBI identify different sets of suspects for the same crime?
  - It will then be a question of sufficiency of evidence. The case with weaker evidences could be dismissed.

- When will CIDG take over a case from a police precinct?
    - CIDG takes over cases that are heinous in nature, sensational cases, labor-related cases, cases involving elected officials.
- In your first slide, are the aims in order? Why is it that identification of guilty party comes before the gathering of evidence?
    - He said this was a good observation, and he was not entirely sure how to explain why. He was certain, however, that this has been the standing practice. Other participants suggested that perhaps, what the statement meant was to first identify the 'suspect' not the guilty party.
- How does our forensic technology compare with developed countries?
    - We're thirty years behind in terms of tools.
- If you were given a search warrant, does that mean you can be arrested and jailed already?
    - No. For example, if a suspect goes into hiding, what the search warrant does is authorize a search in the suspect's house so that police could try to recover the weapon that might have been used in committing the crime.

Method used: Presentation using slides (he only showed what to him were the relevant slides).

The question and answer took 28 minutes.

11. **Survey by Atty Romeo Montefalco**

Atty. Montefalco ran a survey to determine the level of awareness, perceptions, suggestions and knowledge of participants about national monitoring mechanisms (NMM), perceptions of effectiveness /ineffectiveness and influencing factors.

This session lasted 13 minutes.

Start pm 1:03pm

12. **NTIPC and RTMB operational guidelines and role of tripartite mechanisms in the context of Labor Related Cases by Joyce Dacopia, BLR**

Joyce asked if participants were familiar with the NTIPC and RTMB or not. Many said they were familiar with the NTIPC but not as many knew about the RTMB. To introduce the session, Joyce discussed the nature of cases monitored by existing mechanisms and why workers should know about these. She also explained the relationship between national laws, ILO conventions and compliance monitoring mechanisms (CFA, CAS, CEACR). She noted the observations of the 2017 DCM and 2009 high-level mission of the ILO related to violations of FOA and CB. She made reference to one of the commitments made by the PH during the 2009 mission and this was to constitute a high-level monitoring body (the NTIPC-MB created in 2010). In 2011, RTMBs were created to mirror the NTIPC-MB at the regional level.

She presented the operational guidelines of NTIPC and RTMB issued in January 2018 under AO 32-18. These bodies monitor cases of labor related EJKs, harassments and abduction of trade unionists, violations of PNP guidelines. She discussed the recourse in case of such violations. She said the guidelines were designed to meet the country's obligations, in practice and in law, to the Conventions it ratified.

She discussed the following:

- Coverage of the NTIPC and RTMB and where information about violations come from: ILO, workers, employers, media.
- NTIPC Monitoring Body institutionalized in the Act strengthening tripartism, its composition
- Functions of the NTIPC, the main of which she says is to facilitate innovative feasible solutions to long-standing CFA cases ,e.g. livelihood for heirs of deceased, scholarship, etc
- Four-step process of NTIPC-MB
- RTMB
- Functions of RTMB, one of which is evaluating if the cases reported are labor related or not. She gave the criteria used in evaluating and examples of when cases may not be considered labor related: death was related to loanshark activities; political activities (motive stemmed from filing case in NLRC); too vague; insufficient evidence
- Four-step process of RTMB
- Tripartite Validating Team under AO 32-18. TVT gathers information from the field to help determine if a case is labor related or not.
- Composition of TVT, where she noted that one important provision is that the TVT may request possible assistance from PNP and AFP
- Functions of TVT
- Reportorial process

Questions raised/clarification:

1. Has the RTMB been able to solve cases?
    - Yes, some cases reached closure with the help of MBs. More can be read on these in the NORMLEX in the ILO website.
2. Diane clarified that RTMBs are not investigating bodies, rather they support the investigations, e.g. helping gather evidences and monitoring cases. Joyce added that the function of RTMB is strictly to monitor and assist the process of investigation.
3. What if the findings of the RTMB or TVT are in conflict, which findings will prevail?
    - The TVT's findings.

Method used: straight lecture, audience interaction using Q andA, used presentation slides

13. AO 35 IAC by Galay Mitu

Galay asked if participants were familiar with the AO 35 IAC and almost all said they were not. Participants were surprised to learn that AO35 IAC was created in 2012. Galay noted that this body is lodged under the DOJ. She said AO 35 IAC monitors cases of human rights violations by state and non-state actors (EJKs, EDs, torture and Other Grave Violation of the Right to Life, Liberty and Security of Persons) committed against members of civil society and cause-oriented groups. Most of these are unresolved cases.

The topics that she covered in the presentation were:

- Composition of IAC: Chaired by DOJ, government bodies with investigative and prosecutorial functions and those in charge of protecting human rights are members (DOLE is not a member of the IAC); in 2014 the IAC was opened to the labor sector for it to serve as observers or as source of information for labor-related cases. While the DOLE is not a member it can forward labor-related cases to the IAC through its Secretariat.
- Coverage
- Cases considered under AO35

- Functions and sources of reports
- AO 35 IAC structures: Special Oversight Team (SOT) and Special Investigation Team (SIT). There are separate SOT and SIT (e.g. SITEC and SITN) for current and existing cases as well as for unsolved cases.

Questions and comments

- In which office of the DOJ is AO 35 IAC lodged under?
  - Not sure but AO 35 IAC has its own Secretariat with office at the DOJ and headed by Asst. Prosecutor Peter Ong.
- What is the role of workers in the AO 35 IAC?
  - Source of information, substantiate labor-related cases so that they could be included in the cases monitored by AO 35 IAC.
  - Diane added that if a labor case has been de-listed from AO 35 IAC (and if the labor sector believed the case should be in the list) a potential role is for labor organizations to follow-up, advocate, provide additional information, strengthen the profile of the victim
- Were there labor-related and politically-related cases at the DOLE MMs and the AO35 IAC level and if there were, how were these dealt with?
  - The DOLE monitors cases reported to it regardless if these were possibly labor-related or not. The AO 35 IAC also monitors all cases brought to it, but the IAC prioritizes those cases that are under its mandate.
- There was a recent report of killing of a labor leader in Cavite
  - She said that it would be good to immediately report the case to the RTMB or to their office in DOLE so that the RTMB can be convened.
- Have you disseminated information about the RTMBs at the regional level? This is the first time that I heard about this though we are very active at the regional level in Central Visayas.
  - Yes it has been introduced at the regional level (some participants reacted that they have not heard of this). Galay explained that perhaps more groups could be invited in future events. It may also be that the RTMB in some regions are not active because they have no cases to deal with. So, while there are RTMBs, they meet infrequently so fewer people know they exist.
- Are all RTMBs active?
  - No, but the one in Region 11 is.
- AO 35 is quite scary for the workers because the parties are State agents.
  - Yes, if you remember the IAC was also not open to workers, until very recently and workers are only allowed as observers. AO 35 IAC is mainly an inter-agency body. It provides limited updates on cases.
- Doesn't the exclusion of workers in the investigation preclude further bias to the case?
  - The thing is it is not DOLE's mandate to conduct investigations, so we have to leave that matter to the investigative bodies. Also, even members of our RTMBs are hesitant to go to the field and follow-up on cases because of security concerns.
- Any update on the 11 labor related cases under AO35 IAC?
  - There was recommendation to close some cases, but no final decision on that yet. Some cases are still being investigated or re-investigated by SITs.
- What does closure mean?

- I think it meant archiving the case because no further action can be done due to insufficient information.

- Out of 11 cases, how many have reached the courts?
  - There is one that is ongoing trial.
- Are the number of cases increasing or decreasing?
  - Based on the data given us, the number of cases had been declining since 2001.
- Can cases that had been archived be re-opened?
  - Ye if new information becomes available.
- Do these bodies recognize reports from social media and calls made to 888?
  - Yes, it takes note of reports from many sources including the media and we advise the RTMB about this so that they can take action even before a report is filed.
- Is there a prescriptive period for reporting old cases to monitoring bodies?
- Well, the NTIPC MB was created in 2010 but the cases it monitors date as far back as 2001

Method used: straight lecture with powerpoint and question and answer

14. Workshop

In the last workshop, Hazel asked the participants to list down what they think were the most important roles workers play in the different monitoring mechanisms that were discussed.

Results of the workshop showed that the two main roles were: (1) to educate and disseminate information to members of the organization and (2) to provide specific support for case investigation and monitoring such as filing of complaint, providing evidence, providing incident data, and doing follow-up activities.

According to workers, in order to perform the education role, they need to master the different monitoring mechanisms, become familiar with certification election cases, and understand criminal procedures. In order to perform supporting functions, they need skills in gathering evidence, interviewing, drafting affidavit/sworn statement, encouraging witnesses to give statement. Participants also said they need material resources, time, and communication facilities.

End 3:03pm

15. Pre and post test results

Test description:

The test consisted of 10 questions: seven open-ended, two multiple choice and one on sequencing steps. All but one open-ended question asked participants to give two or more answers. Meanwhile, item Q2 asked two questions (who and how).

Scoring:

A full point (1) per question was given for correct and complete answers. Proportional scores were given if items required multiple answers, e.g. getting one out of two correct answers gets a score of 0.5, one correct out of 3 is 0.33 and so on.

Respondents:

Thirty-five individuals answered the pre-test, while 23 completed both pre and posts test. The results comparing the pre and post-test for the 23 respondents are shown below.

Questions	Pre-test scores	Post-test scores
1. What are the two fundamental principles and rights at work under ILO Conventions	.82	1.0
2. Who and how can stakeholders access the ILO supervisory mechanisms?	.23	.42
3. Give at least two significant recommendations of the Committee of Experts and Direct Contacts Missions on the application of the FOA and CB principles.	.02	.11
4. Labor disputes are under the primary and sole jurisdiction of: DOJ, LGU, DOLE, none of the above.	.91	.96
5. Give three instances where the AFP and the PNP may intervene in the exercise of workers' rights to freedom of association, collective bargaining, concerted actions, and other trade union activities.	.09	.52
6. Give at least three functions of the RTMB.	.17	.73
7. What is the relationship between the RTMB and the RICMCs?	.15	.43
8. In the conduct of the RTMB's operations, what is the regular process flow (ordering 1-4).	.24	.71
9. Under the PNP Manual for Investigation, what are the four main tasks of the first responder?	.03	.73
10. Which of the following remedies literary means 'protection'	.17	1.0

The results suggest the following:

1. There was incremental increase in knowledge in all questions.
2. Even before the training, most of the participants were knowledgeable on Q1 and Q4.
3. Pre-test results suggest low prior knowledge on Q3, Q5, Q6, Q7, Q9, and Q10.
4. Of those questions with low pre-test scores, marked improvements were noted for Q5, Q6, Q8, Q9, and Q10 (full mastery).
5. Finally, based on the post-test scores there was low to moderate knowledge transfer for Q2, Q3, and Q7.

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