

Department of Labor and Employment
Statement of Secretary Rosalinda Dimapilis-Baldoz
20 February 2015

On the freedom of association and the right to strike

“There is a plan afoot, espoused by the employers’ group in the International Labor Organization (ILO), to declare that freedom of association does not include the right to strike as it is not so stated in the ILO Convention 87, or the Freedom of Association and the Protection of the Right to Organise.

“Naturally, the workers’ group in the ILO, as well as labor unions all over the world, including unions in the Philippines, strongly oppose this move.

“On the part of the DOLE, I declare that the Philippines adheres to the principle that the right to strike is one of the essential means through which workers and their organizations may promote and defend their economic and social interests.

“The right to strike, as an inseparable adjunct to freedom of association, or the right to self-organization, is a universally accepted principle.

“Also, as a member of the ILO and as signatory to ILO Conventions 87 and 98, or the Right to Organize and Collective Bargaining Convention, the Philippines recognizes that freedom of association and the right to strike are basic principles attached to the Universal Declaration of Human Rights.

“No less than the 1987 Philippine Constitution guarantees freedom of association. Section 3, Article XIII of the basic law of the land explicitly mandates that the State shall guarantee the rights of all workers to self-organization, collective bargaining and negotiations, and peaceful concerted activities, including the right to strike in accordance with law.

“However, while constitutionally-recognized, the right to strike is not an absolute right and not without legal limitations. This is clear as the Constitution itself provides that the exercise of the right should be in accordance with law.

On this note, the Labor Code, as amended clearly provides procedures in order for a strike to be considered valid. Undoubtedly, the Labor Code is against the use of violence, coercion, and intimidation during a strike.

“It must be noted that statutory requirements and conditions—while these are perceived to constrict the exercise of trade union rights—are nonetheless acceptable and considered not incompatible with our Constitution and ILO Conventions 87 and 98.

“Thus, we are committed to ensuring and maintaining an atmosphere conducive to the exercise of trade union rights, free from unreasonable restraint and infringement.”

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