

**TIPC-Monitoring Body
Resolution No. 9 , Series of 2012.**

**IN RE: COMPLAINT RAISED BY THE
INTERNATIONAL TRADE UNION
CONGRESS (ITUC) ON BEHALF OF
ABS-CBN INTERNAL JOB MARKET
WORKERS' UNION**

**RECOMMENDING EXPEDITIOUS RESOLUTION
OF THE CASE AND OBLIGING COMPLAINANT
TO CLARIFY AND PROVIDE FURTHER
INFORMATION AS TO THE COMPLAINT.**

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RESOLUTION

WHEREAS, on 20 January 2010, the National Tripartite Industrial Peace Council approved TIPC Resolution No. 1, series of 2010, constituting the National TIPC as the High Level Tripartite Monitoring Body on the Application of International Labor Standards, in particular ILO Convention on Freedom of Association and Protection on the Right to Organize (No. 87), that shall: (1) facilitate "out of the box solution" to long-standing CFA cases; (2) monitor and report progress on active CFA cases; and (3) facilitate gathering of relevant information on complaints and evaluate and recommend appropriate action/s;

WHEREAS, the Regional Tripartite Monitoring Bodies (RTMBs), created pursuant to DOLE Administrative Order No. 263, series of 2011, directing the establishment of the same in all Regional TIPC's, have been instrumental and diligent in its pursuit of its functions, as: (a) to ensure the application and implementation of International Labour Standards in the region; (b) to verify and/or document allegations of threats, intimidation and harassments of trade unionists in the region; (c) to conduct monitoring and evaluation of complaints; (d) to gather relevant information from regional authorities and/or Courts, including comments from the social partners; and, (e) to prepare Case / Complaint Profiles to be submitted to the National TIPC Monitoring Body, as necessary;

WHEREAS, in a communication dated 4 August 2011, the International Trade Union Confederation (ITUC) submitted before the International Labor Organization (ILO) observations on the application by the Philippines of the provisions of Conventions 87 (Freedom of Association) and 98 (Collective Bargaining) citing several cases of alleged extrajudicial killings, harassment at picket lines, and other violation of trade union rights;

WHEREAS, included in the list of cases of alleged violations of trade union rights presented by the ITUC is the case of ABS-CBN Internal Job Market Workers' Union (IJMWU);

WHEREAS, allegations from the complaint state that on 16 June 2009, ABS-CBN terminated, delayed, or rearranged the work schedules of dozens of IJM workers who refused to accept the company's conditions before granting them regular status;

WHEREAS, IJMWU claimed that the company only offered "regular" status to selected workers, and that the offer entailed waiver of all complaints by the workers against the company, and no back-pay or recognition of the delayed regular status that was supposed to have been granted for those who had already served for several years with the company;

WHEREAS, on 23 November 2009, IJMWU filed a petition for certification election which was opposed by the company on the ground that no employee-employer relationship exists between IJM workers and ABS-CBN as said workers are considered individual contractors;

WHEREAS, on 14 April 2010, the DOLE-NCR Mediator-Arbiter dismissed the petition for certification election filed by IJMWU, on the ground that no employee-employer relationship exist between IJM workers and ABS-CBN;

WHEREAS, on 13 August 2010, the Secretary of Labor reversed the Mediator-Arbiter's order holding that IJM workers are deemed regular employees;

WHEREAS, ABS-CBN filed a petition for certiorari under Rule 65 of the Rules of Court assailing the Secretary of Labor's 13 August 2010 decision with a prayer for the issuance of preliminary injunction, which the 7th Division of the Court of Appeals granted through a resolution issued on 10 January 2011;


WHEREAS, since the grant of the preliminary injunction, no additional information on the proceedings of the case, has been provided by either the union or the management;

NOW THEREFORE, BE IT RESOLVED, AS WE HEREBY RESOLVE, that the TIPC-Monitoring Body adopts the following courses of action:

1. direct DOLE NCR to closely monitor the lifting of the preliminary injunction and immediately conduct the certification election among the IJM workers and update the TIPC Monitoring Body of the development thereof; and
2. request IJMWU and ABS-CBN to provide further information pertinent to the resolution of the case, particularly on its proceedings after the granting of the preliminary injunction.

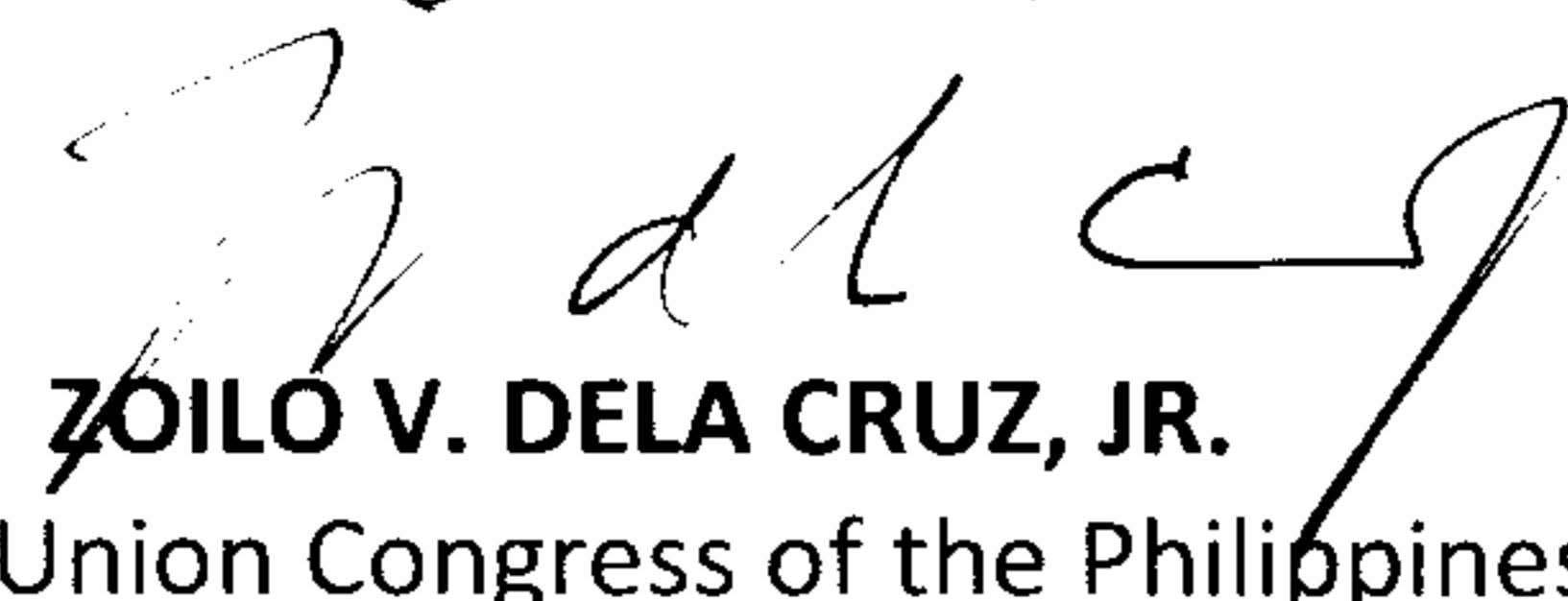
APPROVED this 15th day of February 2012, The Bayleaf, Intramuros, Manila, Philippines.

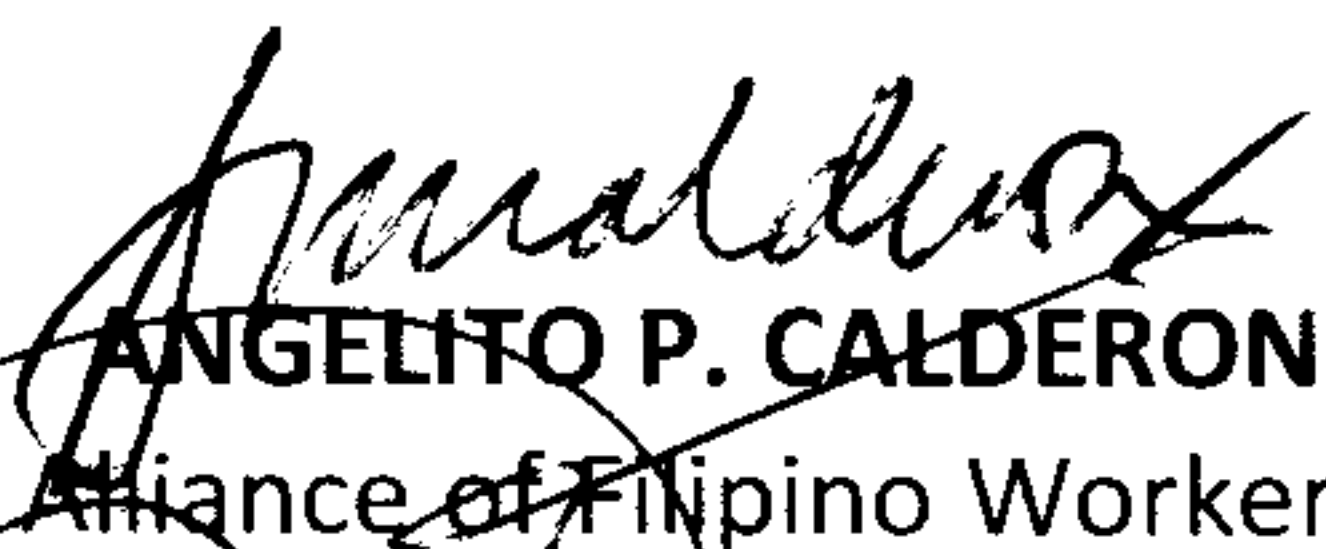
LABOR SECTOR



DANIEL L. EDRALIN
Alliance of Progressive Labor


VICTORINO F. BALAIS
Trade Union Congress of the Philippines


JOSUA T. MATA
Alliance of Progressive Labor


ZOILO V. DELA CRUZ, JR.
Trade Union Congress of the Philippines

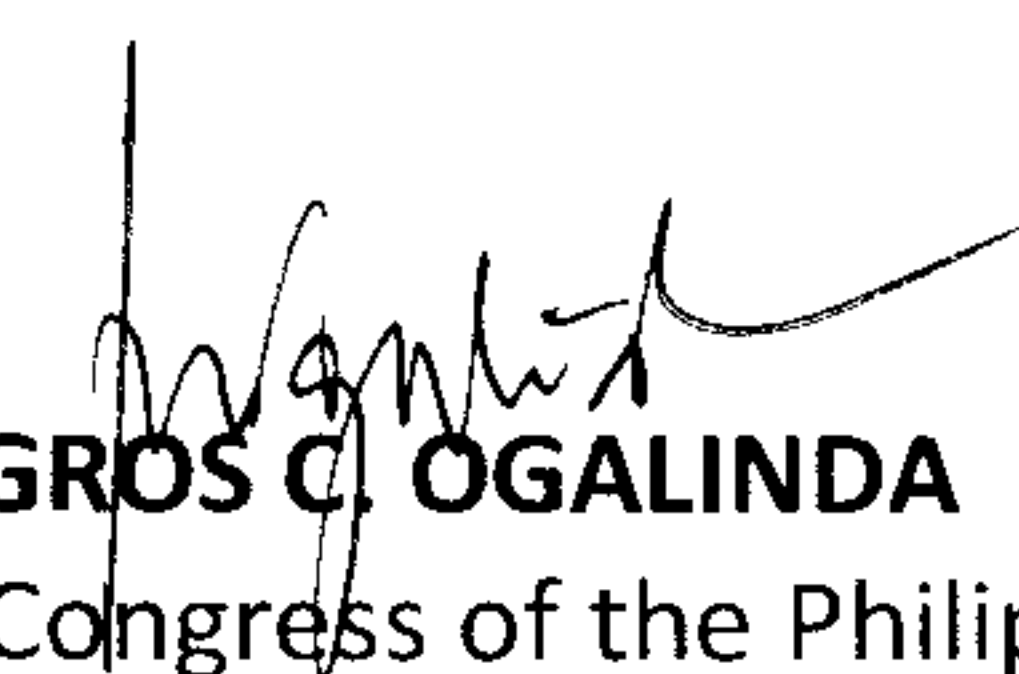

ANGELITO P. CALDERON
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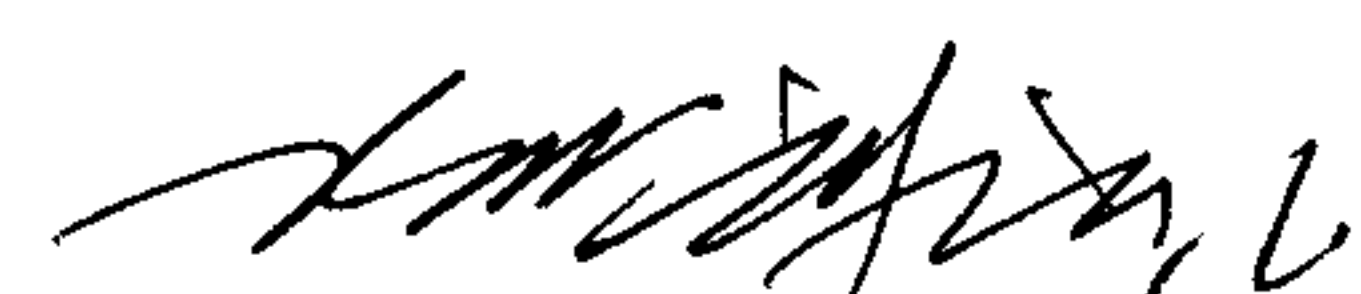

ERNESTO F. HERRERA
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ESPERANZA S. OCAMPO
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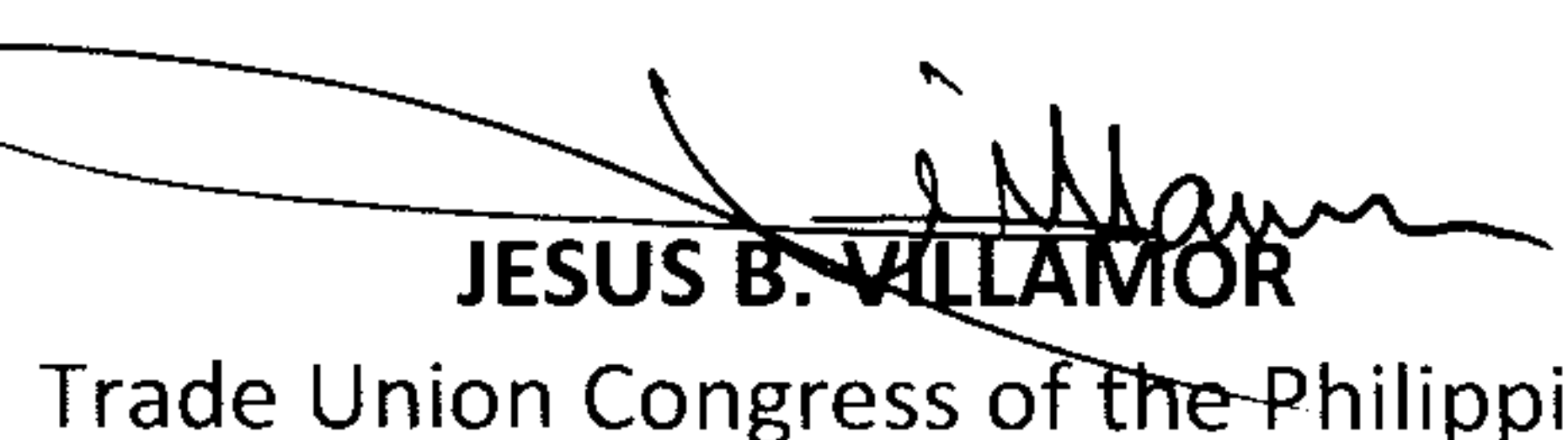

ALLAN S. MONTANO
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GERARD R. SENO
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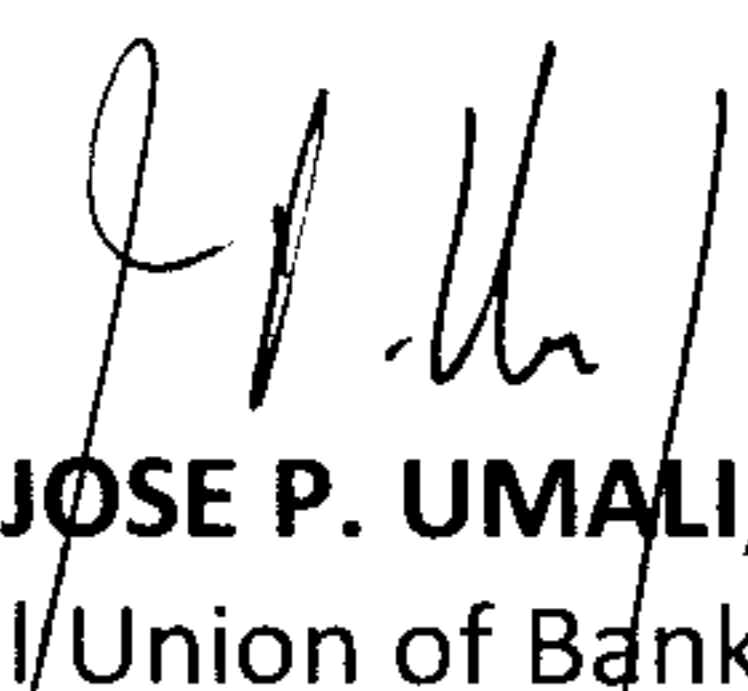

BENJAMIN C. ALAR
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GREGORIO C. DEL PRADO

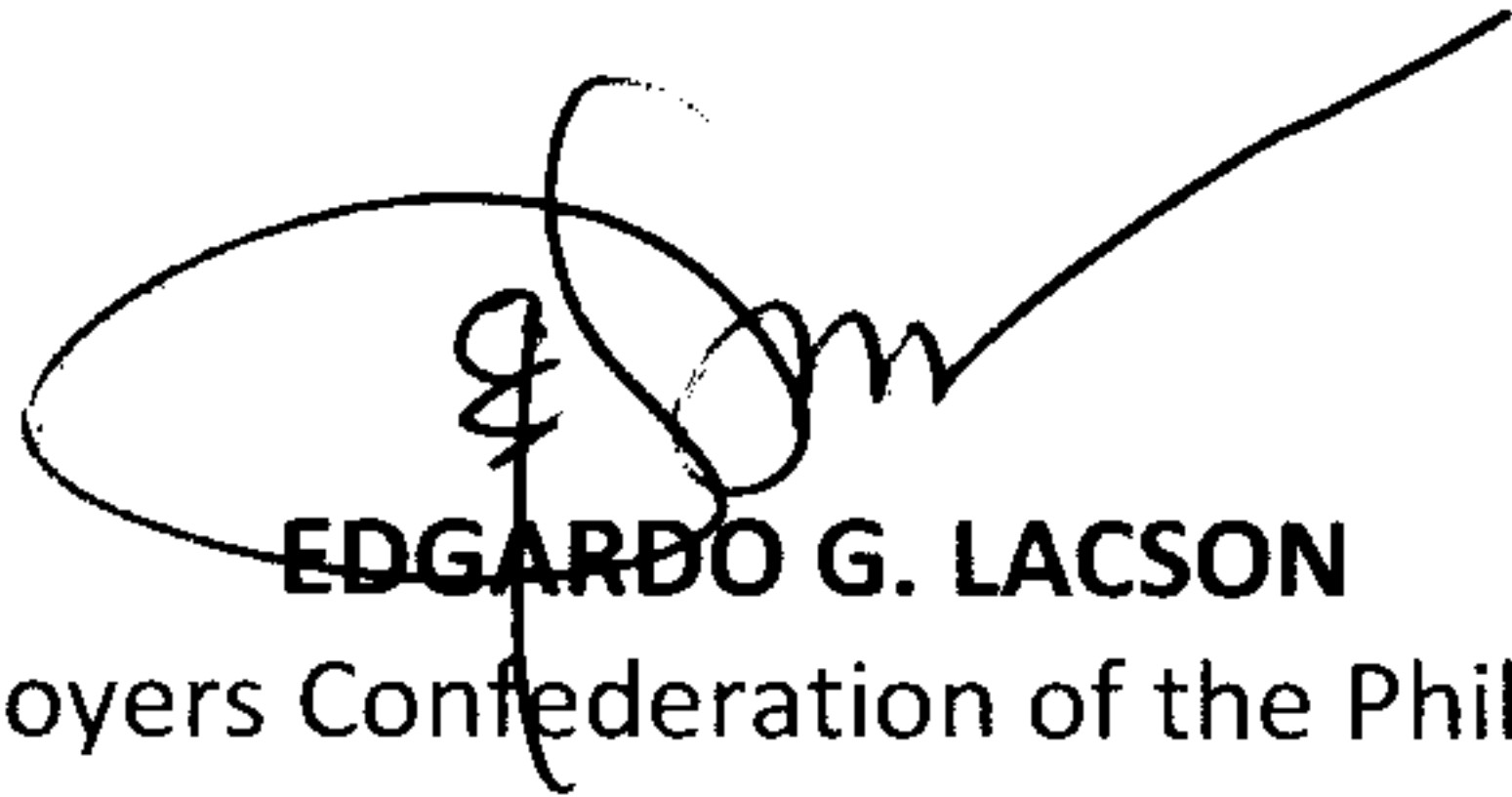
Alliance of Independent Hotels and Restaurant
Workers Union



VLADIMIR R. TUPAZ

Trade Unions of the Philippines and Allied
Services

EMPLOYERS' SECTOR



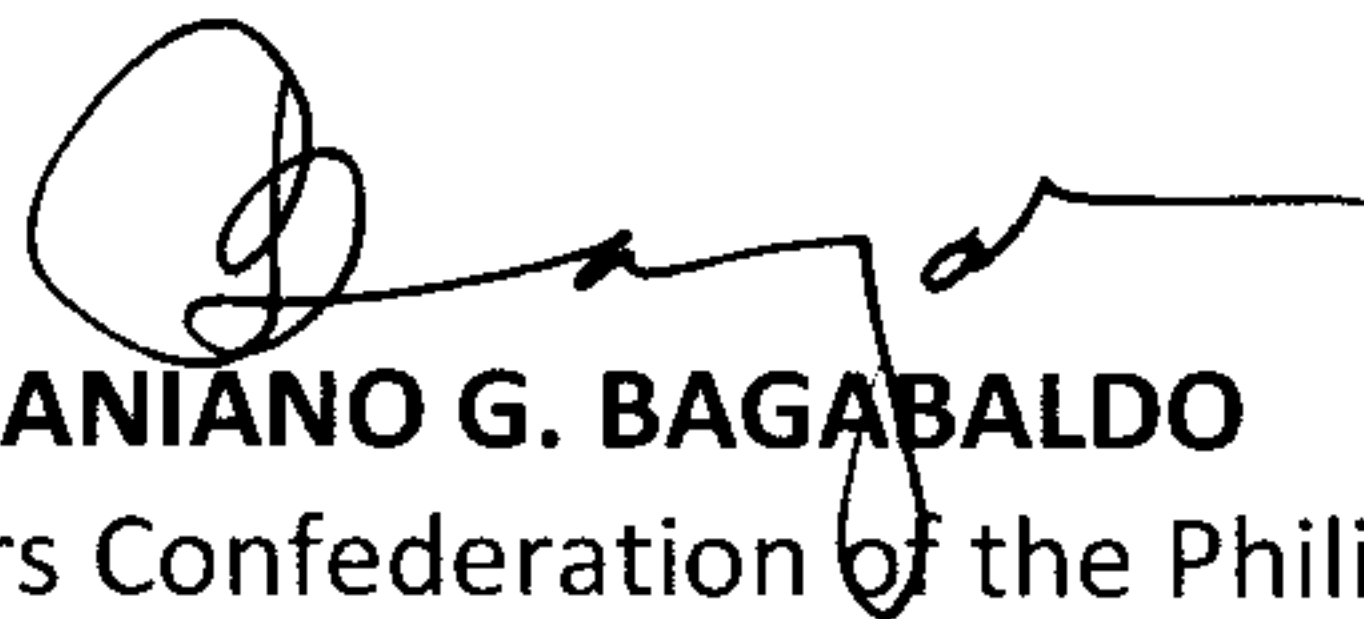
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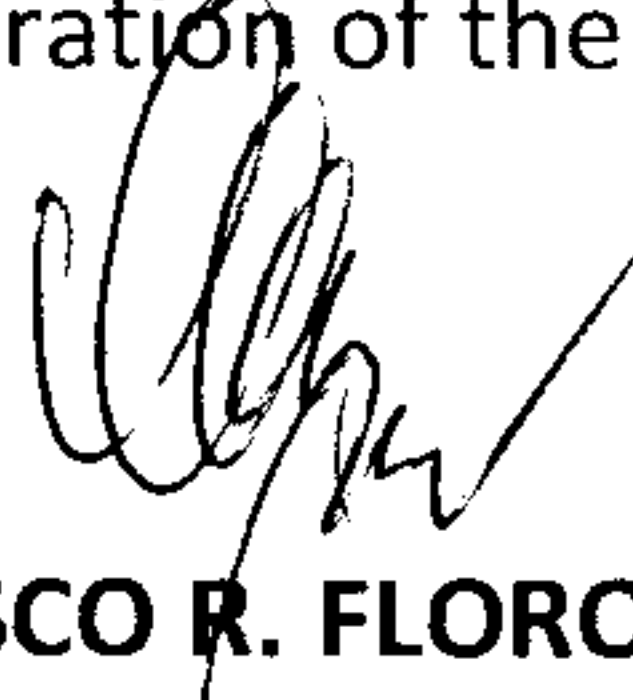
RENE E. CRISTOBAL

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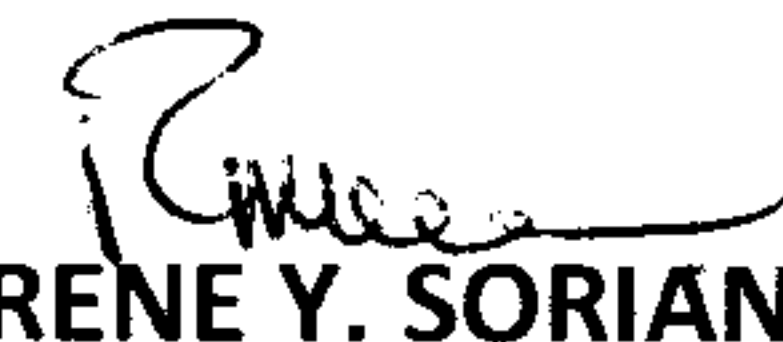
ANTON L. SAYO

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MANOLITO P. MADRASTO

Employers Confederation of the Philippines



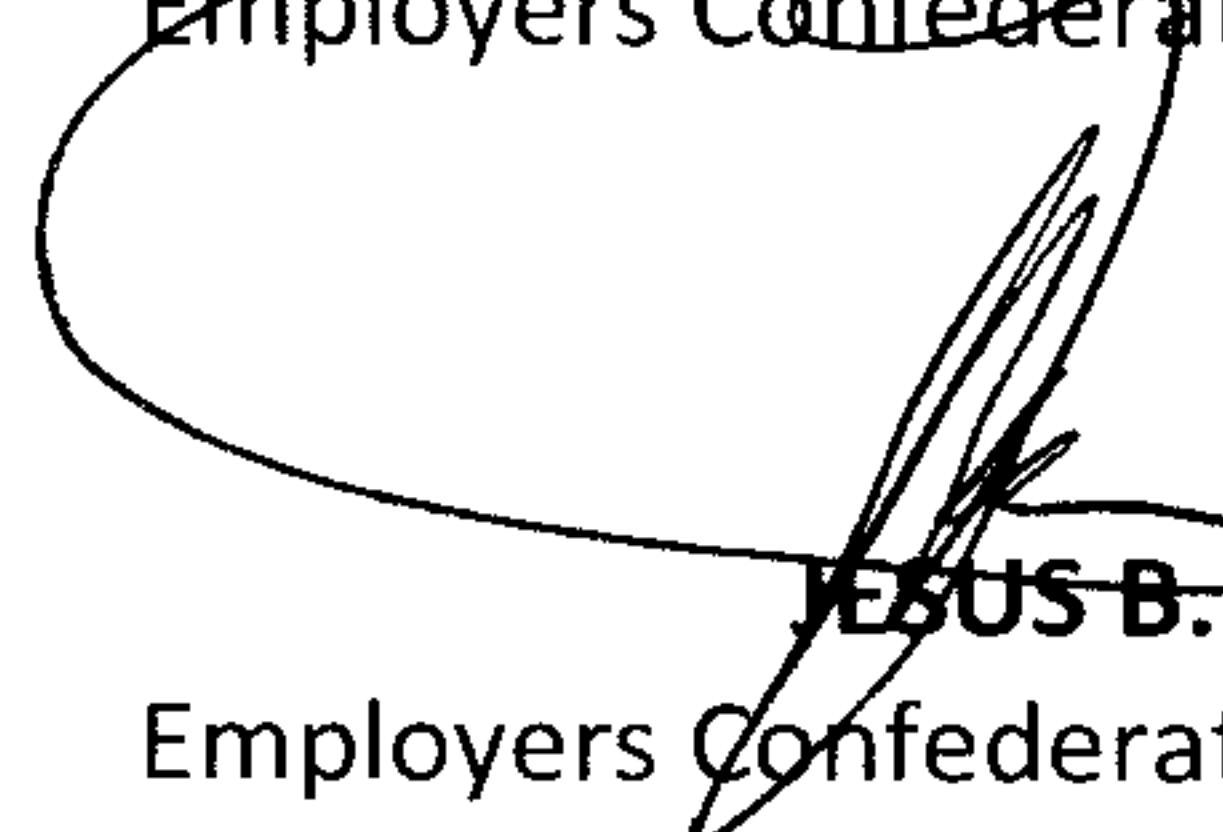
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Rosalinda Dimapilis-Baldoz

ROSALINDA DIMAPILIS-BALDOZ

Secretary

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