

# REPUBLIC OF THE PHILIPPINES



Located in Southeast Asia, the Republic of the Philippines comprises over 7,000 islands (300,000 km<sup>2</sup>), with a population of 100 million. The capital city is Manila and the most populous city is Quezon City. There are multiple ethnicities and cultures. Over 12 million Filipinos live overseas, making it one of the world's largest diasporas. The country is located on the Pacific Ring of Fire and it is therefore prone to earthquakes and typhoons. The country has many natural resources and some of the world's greatest biodiversity.

On May 9, 2016, Rodrigo R. Duterte won the presidential elections. He is the country's 16th president. His administration has promised a tough stance on crime and corruption. He has also pledged to improve government services, seeking to create more jobs and growth especially in rural areas.

The Philippine Constitution guarantees the fundamental equality of women and men before the law and recognises the role of women in nation building. However, women are faced with numerous obstacles include gender stereotyping, multiple burdens and lack of political education and support from political parties.

National statistics indicate dramatic increases in violence against women. The Center for Women Resources' (CWR) estimated that the number of recorded rape cases increased by 92 percent from 5,132 in 2010 to 9,875 in 2014. Violations of the Anti-Violence against Women and Children Act escalated by 200 percent from 2010 to 2014.

According to the CWR's executive director Jojo Guan, "... despite more than 37 laws, executive and administrative orders to protect women and children, the victims of violence are getting younger and the abusers are becoming bolder and harsher".

**Every 53 minutes, a woman or a child is raped,  
with seven in 10 victims of rape being children.**

**Every 16 minutes, a woman is battered.**

The number of cases of violence against women (VAW) reported to the Philippine National Police (PNP) in 2013 increased by almost 50% when compared with reported cases in 2012. This 2013 figure is the highest since 1997.

## THE HEALTH CARE SECTOR IN THE PHILIPPINES

Healthcare workers are at high-risk for being targets of workplace violence. In a paper presented at the **Third International Conference on Violence in the Health Sector**<sup>16</sup> in October 2012, Faustino Jerome Babate and Danny Alfaras reported “*This violence is occurring four times more often in healthcare settings than in all of private industry combined. The negative effects of workplace violence included minor and serious physical injuries, temporary and permanent physical disability, psychological trauma, and death. Most nurses in Philippine hospitals have experienced a certain degree of violence.*”

Through their research they discovered that the negative effects of violence were demonstrated by fear, decreased morale, worker absenteeism, turnover, and loss of productivity. They conducted interviews between February and November 2011 with 12 nurses working in hospitals (classified as primary to tertiary settings) in southern Philippines. This was the first known study of its kind in the southern part of the country.

The findings indicated that violence was primarily perpetrated by psychiatric patients (physical) and physicians (verbal). Participants reported the following consequences: worker stress and injury, patients being restrained, parental eviction from the emergency room, delays in patient care, and perceived negative image of the medical centre by parents and visitors. The study recommended:

- The introduction of interventions such as workplace violence prevention training;
- Conducting workplace violence audits;
- The development of new guidelines;
- Improvement of institutional governance.

One of the serious issues facing the Philippines health sector, especially in hospitals, is understaffing - for every 20 patients there are two nurses on duty. This chronic understaffing and resulting long working hours contribute to illness, sleep deprivation leading to stress and changes in the immune function. This contributes to the risk of violence because of longer patient wait times.

## MILESTONES

During the period 2006 to 2012, AFW participated in the PSI Southeast Asia project on Gender and Health. The project sought to build and increase awareness of workplace violence as a psychosocial hazard. The project work used the Framework Guidelines for Addressing Workplace Violence in the Health Sector <http://apps.who.int/iris/bitstream/10665/42617/1/9221134466.pdf>.

The project outcomes included the training of a cadre of trade union leaders from the AFW equipped to carry out training programmes on workplace violence in the health sector. This activity resulted in the strengthening of the confederation’s Occupational Safety

16. [http://www.oudconsultancy.nl/Resources/Proceedings\\_3rd\\_Workplace\\_Violence\\_2012.pdf](http://www.oudconsultancy.nl/Resources/Proceedings_3rd_Workplace_Violence_2012.pdf)

and Health (OSH) committee and its ability to negotiate improved safety and health regulations in the private hospitals. The Collective Bargaining Agreements included clauses addressing workplace violence and sexual harassment.

AFW activists gave examples of a number of cases of violence in their respective workplaces. Some of these were cases of co-worker violence (intimidation and bullying, as well as lateral violence<sup>17</sup>); sexual harassment; denial of rights to female nurses who were seeking benefits available under the law (Solo Parents' Welfare Act of 2000). In some cases, the affected workers had to take the matters to the court under the provisions of various Republic Acts.

***The State shall value the dignity of every individual, enhance the development of its human resources, guarantee full respect for human rights, and uphold the dignity of workers, employees, applicants for employment, students or those undergoing training, instruction or education. Towards this end, all forms of sexual harassment in the employment, education or training environment are hereby declared unlawful.***

*Section 2 – Declaration of Policy*

AFW activists also highlighted the confederation's role, through its affiliates, using education and training, representation, grievance handling and advice, in helping the workers to tackle these cases.

In February 1995, the Philippine Congress passed a law against sexual harassment. Republic Act (RA) 7877 made all forms of sexual harassment unlawful in any work, education or training environment. Female nurses have used this law to bring cases against male workers in health care institutions.

Through advocacy with the Department of Labour and Employment and employers, there is a voluntary code of good practice for the hospital industry. The code covers areas such as labour-management relations, social dialogue, advancing the role of women, occupational health and safety and working conditions.

The Philippines has many active human rights and social welfare groups as well as NGOs. Many labour organisations are committed to working with allies to end violence in the world of work. AFW works for equality and a safe working environment. As a result, almost all of AFW's local affiliates' CBAs have provisions that protect women and men

### **LEAVE FOR VICTIMS OF VIOLENCE AGAINST WOMEN AND THEIR CHILDREN (VAWC)**

***VAWC leave is granted to private sector women employees who are victims as defined in Republic Act No. 9262. The leave benefit shall cover the days that the woman employee has to attend to medical and legal concerns. In addition to other paid leaves under existing labor laws, company policy, and/or collective bargaining agreement, the qualified victim employee shall be entitled to a leave of up to ten (10) days with full pay, consisting of basic salary and mandatory allowances fixed by the Regional Wage Board, if any.***

*Philippines General Labour Standards*

from workplace violence.

## **DIFFICULTIES AND CHALLENGES MET BY THE UNION**

AFW affiliates have reported situations of poor work organisation and work environment that lead to and foster co-worker conflict. Lack of role clarity, low job control, poor supervisor support, poor communication, ineffective leadership/supervision, strained and

17. Lateral violence refers to acts that occur between colleagues, where bullying is described as acts perpetrated by one in a higher level of authority and occur over time. The acts can be covert or overt acts of verbal or non-verbal aggression.

competitive work environments, and major impending changes in the workplace have all been associated with higher levels of staff conflict.

Unions have promoted the establishment of procedures to help solve problems before a situation, particularly among workers, supervisors or managers further deteriorates. These may consist of informal meetings between the complainant and an appropriate line manager. AFW has also promoted the involvement of the union at these initial stages to prevent further violent incidents.

While there has been some progress, through training, a key challenge is the unwillingness of some staff to report the various acts of violence. Young women HCWs fear for their jobs. They are sometimes the only one in the family bringing in a steady income and in other cases they are solo parents. Even with the various pieces of legislation available, cost for prosecution is a prohibitive factor.

## IMPORTANCE OF ENABLING LEGAL ENVIRONMENT AND WELL-FUNCTIONING INDUSTRIAL RELATIONS SYSTEMS AT NATIONAL, SECTORAL AND WORKPLACE LEVELS

Workplace cooperation is now understood as a broad concept connoting mutual commitment between labour and management to “working together and working smarter.” Specifically, its goal is to develop an ideal situation where management and workers are full partners in identifying problems at the workplace, crafting solutions to those problems, and implementing the agreed-upon solutions. Governments, employers, workers and their representatives are vital in promoting workplace practices that help to eliminate workplace violence. Therefore, cooperation between governments, employers, workers and their representatives is essential in developing and implementing appropriate policies and procedures to eliminate or minimise the risk of workplace violence.

In the Philippines, tremendous and significant progress has been made in addressing and eliminating violence against women by both government and non governmental organisations. Some of the most significant laws passed are:

- RA 8353 - the Anti Rape Law
- RA 8505 - the Rape Victim Assistance and Protection Act;
- RA 7877 - the Anti-Sexual Harassment Law and the Anti Trafficking of Persons Law
- RA 8369 – the Family Courts Act of 1997 established family courts in major cities all over the country to foster a more proactive approach in protecting the rights of women and children against domestic violence and incest.

A major accomplishment in the advocacy to eliminate VAW was the passage of Republic Act No. 9262 or the Anti Violence against Women and Their Children Act of 2004. It penalises all forms of abuse and violence within the family and intimate relationships.

The Magna Carta of Women (RA 9710) is a comprehensive women’s human rights law that seeks to eliminate discrimination against women by recognising, protecting, fulfilling and promoting the rights of Filipino women, especially those in the marginalised sectors.

## DIFFICULTIES EXPERIENCED

The Philippines has scored high in terms of the accessibility of both genders to primary, secondary and even tertiary education. “Despite these impressive results, gender inequality persists in economic opportunities and political empowerment. The Philippines’ institutional framework offers a good model for the promotion of gender equality. But the country needs to address the challenges of implementation and enforcement in order to eliminate gender equality across all aspects of life.”

The AFW has negotiated a number of collective agreements with various hospitals in the country. It has also worked with employers to include provisions to combat inequality, discrimination and workplace violence. Some examples include:

- 2015-2020 CBA, St. Luke's Medical Center Quezon City
- 2014-2019 CBA, St. Luke's Medical Center (Global City)
- 2014-2016 CBA, San Juan de Dios Educational Foundation (Hospital)
- 2011-2014 CBA, Capitol Medical Center
- 2012-2014 CBA, MCU-Filemon D. Tanchoco Medical Foundation
- Makati Medical Center Guide for New Employees Handbook
- HMSI-Medical Center Manila Employee's Handbook and Policy Manual □

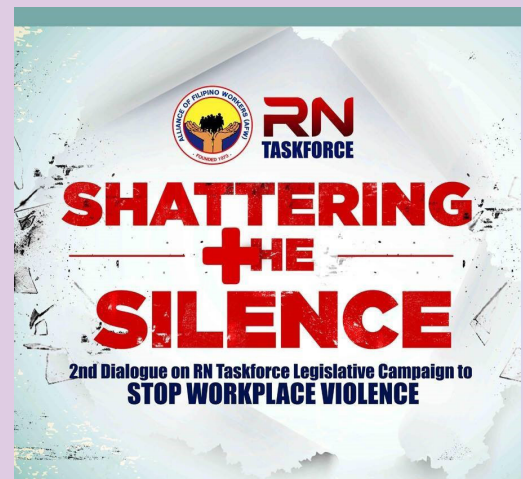


## REGISTERED NURSES TASK FORCE

In 2017, the AFW formed the Registered Nurses Task Force or RNTF. As the nurses comprise more than half of AFW's membership, it was a welcome opportunity to strengthen the nurses sector which provided opportunities to recruit more new members. The AFW organising work was supported by the PSI in collaboration with the Services Employees International Union (SEIU) and other partners.

One of the strategies developed was the proposed campaign to end violence in the workplace. The RNTF conducted "listening tours" which provided the space for nurses, union members and non-members together, to air their grievances and exchange information.

To concretize this effort, the AFW and the AFW RNTF conducted a meeting with Philippines Senator Risa Hontiveros, a member of the Senate Committee on Health, on November 8, 2017. Senator Hontiveros committed to support the initiative of the AFW's RNTF and, in the future, to propose a bill in the Senate, supported by documentations from the AFW.





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