

## **Dynamics of Union Organizing in Three Garment Factories in the Cavite Ecozone**

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### **Abstract**

Using mixed methods, the research studied the motivations, methods and dynamics of organizing unions in three garment manufacturers in the Cavite export processing zone in the Philippines. The study revealed decent work deficits: low pay, inadequate benefits, insecure jobs, inhumane treatment, excessive production quota, and cases of gender-based violence. The study found the existence of *tempos*: invisible workers who are hired for fixed terms without employment contracts and do not receive mandated minimum benefits. The motivation for workers to unionize are, in order of rank, the desire to have higher pay, better benefits, more secure jobs and more humane treatment from management. John Kelly's mobilization theory and its categories such as interest, opportunity and forms of collective action were relevant in analyzing the process of unionization. Similar to Kelly, the research posits that workers use a calculus of the rewards and risks of organizing to determine their support or opposition to unions.

**Keywords:** union organizing, mobilization theory, workplace gender-based violence, global supply chains, contractualization

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## Introduction

In January of 2023, the International Labour Organization (ILO) sent a team to the Philippines to probe allegations of rampant killings of trade unionists and other egregious forms of violations of the right to organize and bargain collectively. Called a high-level tripartite mission, the ILO team was tasked to investigate the government's compliance with Convention 87 (C87) on freedom of association and Convention 98 (C98) on the right to collective bargaining. The newly formed All-Philippine Trade Unions—encompassing the biggest labor groups in the country—tabled complaints regarding 16 killings of unionists, 68 cases of arrests, 2 incidents of abductions, 90 incidents of forced disaffiliations, 127 instances of intimidation, 58 cases of unions being accused as communist, and 19 cases of other anti-union discrimination (ILO, 2023a).

The 2023 mission was the third ILO probe to transpire in the last 14 years. In 2009, an ILO mission was sent to the Philippines as a result of complaints in 2007 that some 80 trade unionists were murdered due to their labor activities. That ILO probe proposed a set of reforms to strengthen enforcement and compliance (Velasco, 2023). The Department of Labor and Employment (DOLE) enacted several orders to align with the ILO recommendations, among them the 2011 and 2012 guidelines on the conduct of security personnel during labor disputes.

However, the disconnect between law and practice, between enactment and enforcement in Philippine labor relations (Abao, 2018) was once more revealed in the persistence of cases of killings, arrests and harassment of labor leaders and union activists in the succeeding years. The Philippines is perennially listed as among the 10 worst countries for workers by the International Trade Union Confederation (Medenilla, 2023). As a result, the ILO sent a so-called direct contacts mission in 2016 to look into the continuing issues regarding observance of C87 and C98 (Velasco, 2023).

Then on the eve of the annual ILO conference in 2019, union organizer and Partido Manggagawa (Labor Party) leader Dennis Sequeña was brutally slain in broad daylight while in the middle of a labor rights seminar for workers of two export zone garment factories in the

industrial province of Cavite (Rappler, 2019). His killing sparked outcry from worker delegates to the 2019 conference and led to the decision to send the high-level tripartite mission to the Philippines.

It took almost four years for the high-level probe to arrive in the Philippines. Among the salient recommendations of the tripartite mission was for the government to craft a road map with timelines through social dialogue with all stakeholders; create a presidential commission to resolve complaints of killings and abductions; and establish an independent body to review cases referred by a presidentially mandated body (ILO, 2023a). At the 2023 ILO conference, the Committee on the Application of Standards—which is tasked to oversee compliance with the international labor conventions—noted that “the Government has taken some steps to implement the recommendations set out in the report of the high-level tripartite mission but regretted that many recommendations remain unaddressed” (ILO, 2023b, p. 522).

Of particular concern in all three ILO missions was the status of labor rights in the export processing zones. Sequeña’s killing spotlighted the extreme dangers that union organizers and activists face in these production hubs for global supply chains. The ILO (2023b) conference welcomed the suspension of the controversial program originally called Joint Industrial Peace and Concerns Office and then later renamed Alliance for Industrial Peace and Program Office—devised by the police and the Philippine Economic Zone Authority (PEZA) which trade unions have denounced for militarizing export processing zones. Numerous cases of anti-union intimidation in the export processing zones were part of the allegations in the 2007 complaint (Velasco, 2023).

All of these highlight the plight of workers in the export processing zones and the challenges of observing labor rights in these gated complexes which traditionally have been zones of impunity (Velasco, 2019). Hundreds of thousands of workers are employed in the economic zones (ecozones) and industrial estates, excluding those engaged in business process outsourcing services which also enjoy status as ecozones and likewise benefit from incentives and tax breaks. Most of these workers labor in factories producing electronics and garments for export. Majority of them are female given the preference

for women workers in those two industries (Edralin, 2001; Ofreneo, et al., 2007). Thus, the imperative of studying working conditions in the ecozones and the attempt of workers in garment supply chains to unionize to better their situation.

### **Research problem and objectives**

The exercise of the right to unionize, bargain and strike are an assertion of agency and empowerment by workers. Without the use of these key freedoms, workers are left powerless and defenseless against the onslaught of capital and the state. With the protection of the neoliberal state, local and foreign capital has sought aggressively to lower the bar for wages and working conditions under the slogan of global competitiveness and economic growth. Everywhere, it has led to the rise of inequality, worsening of destitution and the destruction of the social fabric (Trask, 2014).

Observance of labor rights and the advance of unionism have historically been major drivers of asset equity and social progress. The reforms won by the working-class movement, with unions at the frontline of the struggles, have led to a more stable social order characterized by less inequality, less poverty and less violence. This is especially true in the post-war era exemplified by the rise of the welfare state in Europe and partly in the US (Kaufman, 2004). The recent experience of ecozone workers in the Philippines who have strived to better their situation by asserting their rights, including freedom of association, deserve to be studied in the light of gaps in the literature and its relevance to current events.

It can legitimately be asked: is unionism still a vehicle for agency and empowerment among workers suffering from abuse and exploitation? On the one hand, workers fear losing their jobs as a result of black propaganda and employer intimidation even as a culture of apathy and indifference to unionism prevails among ecozone workers. On the other hand, despite the tremendous obstacles and challenges to organizing within global supply chain enclaves, a significant number of export zone workers do continue to unionize, mobilize and even go on strike.

For those workers who do take the leap of faith in organizing unions and struggle for their rights, what are the motivations for their actions? Among the laundry list of grievances from low wages, lack of benefits, insecure work, unsafe conditions, verbal abuse to management intimidation, which matter most or least as impetus for unionization?

These are the central questions that the study proposes to answer. Thus, the focus of the study was the motivations and dynamics of unionization among workers in the Cavite ecozone. It is obviously not the first time that these problems are being inquired about. Aside from contributing to the body of knowledge, the study should aid in the cause of revitalizing and strengthening the union movement as a vehicle for agency and empowerment of workers.

The study's specific objectives are:

1. Describe the working conditions in garment factories in the Cavite ecozone;
2. Identify the types of gender-based violence experienced by female garment workers;
3. Compare and contrast the profile of unionists in these factories;
4. Identify the factors that influence workers' involvement in labor unions;
5. Ascertain the methods, forms and tactics of consciousness raising and union building.

### **Framework of the study**

Since key concepts like agency, empowerment, unionization and gender are involved, the study used John Kelly's mobilization theory to understand the dynamics of collective action. Likewise, the notion of gender-based violence in the workplace was applied to spotlight the particular issues faced by women garment workers.

In proposing the mobilization theory, Kelly (1998) was not specifically concerned with analyzing the process of unionization but was advancing a general reconceptualization of industrial relations. His aim was to build a theory can that address the long-bemoaned critique that industrial relations lacked a rigorous theoretical framework.

Industrial relations theory has largely been descriptive instead of analytical (Kaufman, 1993). Kelly also sought to resolve debates concerning the secular decline of unionism, collective bargaining and strikes in the industrialized countries since the 1980's. He argued for a shift in the theoretical focus by the industrial relations discipline away from institutions like collective bargaining towards processes such as interest definition. However, Martin (1999) asserted that Kelly failed in achieving his ambitious goal of formulating an industrial relations theory using the concepts of mobilization, interest, power and collective action. He contended that Kelly's attempt at rethinking industrial relations was just a recycling of Marxist tenets.

Nonetheless, the key insights of Kelly's mobilization theory remain relevant even just for the more limited scope of comprehending workers' efforts at organizing unions and collective action. Kelly started from the position that relations of exploitation and domination are the objective basis of the conflict of interest between employers and employees. This is of course an eminently Marxist contention and the traditional standpoint—such as in the Communist Manifesto (Marx & Engels, 1969)—assumes that the objective conflict inevitably translates into class consciousness and struggle. In contrast, Kelly averred that the conflict of interest does not necessarily transform into a behavior of conflict. On the one hand, workers are tied to the need to maintain the employment relationship. On the other hand, workers are in a state of disorganization. From a condition of individualism, a whole process will have to unfold so that workers turn to collectivism. In a sense, this is the developmental process of atomized workers turning into a class-in-itself, and even later into a class-for-itself (Marx, 1847).

Kelly proposed mobilization theory as the solution to the problem of how workers shift from being atomized individuals to an organized collective. Mobilization theory answers the “fundamental question of how individuals are transformed into collective actors willing and able to create and sustain collective organization and engage in collective action against their employers” (Kelly, 1998, p. 38).

Mobilization theory has five dimensions: interest, organization, mobilization, opportunity, and forms of collective action. Interest definition is a key and innovative component of the theory. It deserves a lengthy exposition. The structure of an organization, such as a trade

union, that workers build is of course important. Mobilization itself refers to the resources needed for action. Opportunity denotes the action by workers and reaction of employers, or broadly the balance of power between dominant and subordinate groups. Significantly, Kelly considered the counter-mobilization by employers in examining the balance of forces. He also critically maintained that workers make a calculation about the costs and benefits of action. Finally, the various forms of collective action that workers can possibly take depends on the actual process of interest definition, organization, mobilization and opportunity. Kelly noted that strikes are the most studied form of collective action by workers, by virtue of its economic impact and the availability of data.

Focusing on interest definition, Kelly insisted that workplace relations of exploitation and domination engender dissatisfaction among workers. But that alone does not prod workers to organize and act collectively. A qualitative change must occur so that a feeling of dissatisfaction leads to a sense of injustice. For workplace problems to be felt as wrong and illegitimate, a moral judgment is needed. Kelly emphasized that ideology is important in this regard as framing shop floor issues as unjust needs a certain viewpoint.

In this regard, the elements of attribution, identity and leadership come into play. Workers must attribute cause and blame to the employers for the workplace issues. In this way, dissatisfaction matures into grievances and employers are blamed for being unjust. Employers are then viewed as “them” and workers gain an awareness of being “us”. The creation of a group identity as workers with a common interest is dependent on attribution. However, this does not happen spontaneously but needs catalysts like organic leaders, union activists and labor organizers. Their standpoint is crucial in the elaboration and dissemination of an ideological framework among workers.

Kelly’s mobilization theory thus provides a set of analytical concepts that can illuminate the dynamics of union organizing by export zone workers. Complementary to this, the gender aspect of organizing export zone workers is vital. In the particular context of female garment workers, the lens of gender-based violence is germane.

According to studies by the Asia Floor Wage Alliance (AFWA), women garment workers in Asia regularly and systematically fall victim to gender-based violence. Being the majority of garment workers in Asia, women are disproportionately affected by harassment and discrimination at work. Women garment workers are targets of violence based on their gender or because they are perceived as unlikely to resist. This mirrors embedded power asymmetries between men and women, workers and supervisors. While female garment workers report harassment from male co-employees, most incidents happen when women are in the subordinate-superior context to men (AFWA, 2018a, 2018b, 2018c).

This correlates with a pioneering ILO global survey that found that one of every five workers experienced violence at work at least once during their lifetime. Of them, a third experienced more than one form of harassment while 6% experienced all forms of violence, that is, physical, psychological and sexual. The most common is psychological then physical then sexual. For 60% of victims, workplace harassment happened multiple times. And for a majority of victims, it happened in last five years. Similar to the findings of the AFWA studies, the ILO survey observed that young women workers and women migrant workers were twice more likely to have been victims of sexual harassment compared to male counterparts. Revealing the intersectional character of workplace violence, those who experience discrimination outside of work are also most likely also experience violence at work (ILO, 2022).

The ILO Convention 190 (C190) on violence and harassment in the workplace offer a useful framework in analyzing the persistence of gender-based violence. C190 affirmed that freedom from violence and harassment at work is a human right, aligns with decent work and equal opportunity, and thus positively impacts women's labor market outcomes. Workplace harassment refers to a spectrum of practices and behaviors that inflicts harm on workers, whether physical, psychological, economic and sexual. Gender-based violence definitely falls within the ambit of C190. It denotes violence directed at people due to their gender or harassment perpetrated against certain genders disproportionately. C190 recognized that women workers are the main victims of gender-based violence. This is due to gender stereotypes prevailing in society, multiple and intersecting types of discrimination,



and asymmetrical power relationships within the workplace (ILO, n.d.). This definition of gender-based violence is expansive. Relatedly, AFWA (2019) listed forced overtime and long hours of work as types of gender-based violence since these disproportionately affect women garment workers.

The C190 prohibition on gender-based violence protects all workers of whatever employment status, including volunteers and job applicants. The protection is comprehensive, and encompasses, for example, gender-based violence in the commute to and from work. The exercise of fundamental rights at work such as freedom of association and collective bargaining facilitates prevention of gender-based violence. The range of measures include prohibition by law, enforcement, access to remedies, sanctions, inspections, enterprise-level interventions such as workplace policies, information dissemination, and inclusion as a dimension of occupational safety and health (ILO, n.d.).

Combining the insights of mobilization theory and gender-based violence in the workplace provide a conceptual framework to analyze the dynamics of union organizing among export zone workers. Workers suffer from the prevalence and persistence of workplace grievances like low pay, insecure work, long hours, harassment and discrimination, unsafe working conditions and a lack of employee voice. Aside from general labor rights issues, women's concerns like sexual harassment and other forms of gender-based violence are experienced by female workers who predominate in the ecozone. Finally, freedom of association is actively suppressed by employers and the state in the ecozones as a means to keep wages cheap and profits high.

In the face of these, workers undergo a process of interest definition as a step to organizing into unions. As atomized individuals, workers have no power to seek redress of these workplace grievances. But by combining into a labor union, workers are able to leverage their unity and organization so that they can collectively bargain for improved wages and working conditions. Unionization is a means to an end. The desired result is decent work. Through workplace organizing and collective action, workers are able to claim the rights that are provided for in law but frequently denied in reality.

## **Methodology of the research**

The subjects of the research were workers from factories Company A, Company B and Company C which are all Korean-owned garment firms located in the Cavite Economic Zone in the town of Rosario, Cavite. Company A workers went through the experience of a strike and other forms of mass action, like marching inside the ecozone and protesting with other groups at the gates of the complex. Workers from the Company B and Company C did not experience the same forms of collective action.

The study used mixed methods of quantitative and qualitative types of research. The survey gathered demographic data from the respondents. Further, working conditions in the factories and the reasons they engaged in unionization were asked. The respondents to the survey were selected through purposive sampling. All of respondents were union members or leaders. A total of 61 unionists participated with 19 coming from Company A, 21 from Company B and 22 from Company C. The survey was conducted from January to April 2019. The survey questionnaire used was adapted from one used by Dr. Melisa Serrano of UP SOLAIR in a previous research about the determinants to unionize of workers. IBM SPSS version 23 was used to analyze the data gathered from the survey. All the graphs and tables were generated using SPSS.

Key informants were the presidents of the unions at Company A and Company B, the secretary of the union at Company C, and the main Cavite union organizer of a national labor group. The interview aimed to validate the results of the survey and elaborate on its key findings. The findings of the quantitative and qualitative analysis provided the bridge that links workplace issues to interest definition and the process of union organizing. In making this connection, the dynamics of unionization among the garment workers in the Cavite Economic Zone was uncovered.

Another method used was participant observation. While not directly involved in organizing the workers, the researcher was engaged as an instructor in union education, and also as facilitator in strategy meetings. Thus, the researcher was in a position to observe the process of union building. The three methods of survey questionnaire, key

informant interview and observation provided triangulation to increase validity of the data gathered.

In terms of ethical considerations, all the respondents to the survey were verbally informed that participation in the research is voluntary and opting out is an option at any time during the survey. The questionnaire also included a note specifying the same. However, once the survey was collected, there was no way to withdraw participation as respondents were anonymized. The same ethical considerations were applied in the case of the informants in the interview.

There was a low level of risk for the workers participating in the research. The process of organizing a union is indeed a risky venture for the workers as it endangers their jobs at the least and probably their lives at worse. Participation in strikes and protests poses even more hazards. However, the company management already knew that the workers of the three factories have formed a union. The workers' participation in the survey itself posed no additional risk. In any case, the fact the survey was being done outside the ecozone reduced further any complication.

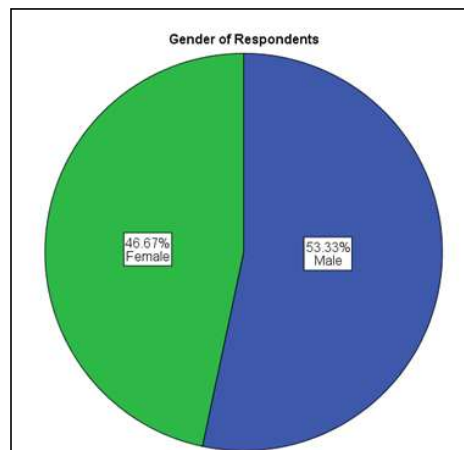
Consideration of reflexivity is factored into the use of a survey and key informant interviews to reduce the bias of the researcher especially since observation is one of the research methods. The researcher had his own opinions of the research questions to be answered given the fact that he was an observant of the whole process of unionization undergone by the workers. Therefore, this has to be triangulated and validated by the use of survey and key informant interviews.

## **Research Findings**

### *Profile of Respondents*

A very slight majority or 53% of the respondents were men. This implies that the research participants did not represent the actual population of workers in the Cavite ecozone. Women comprise a majority of Cavite ecozone workers in general and an even larger percentage of garment workers are female. Yet this is not surprising given that the survey respondents were selected using purposive

sampling. Since the sample was taken from active unionists, it actually mirrors the male domination of unionism. Various researchers have found out that men predominate in union leadership and even in membership (Aganon et al., 2009; Pacris & Geges, 2015; Global Labour University Alumni, 2011).

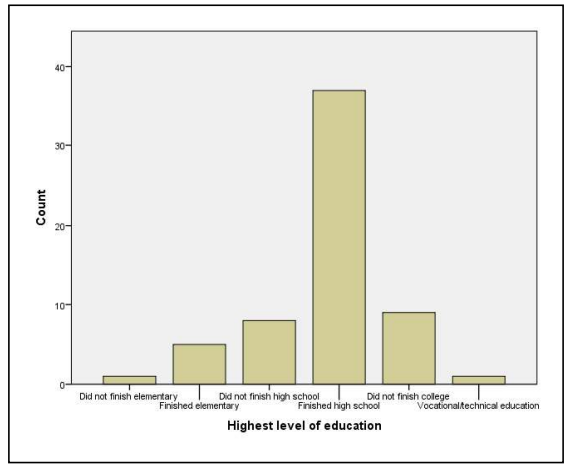
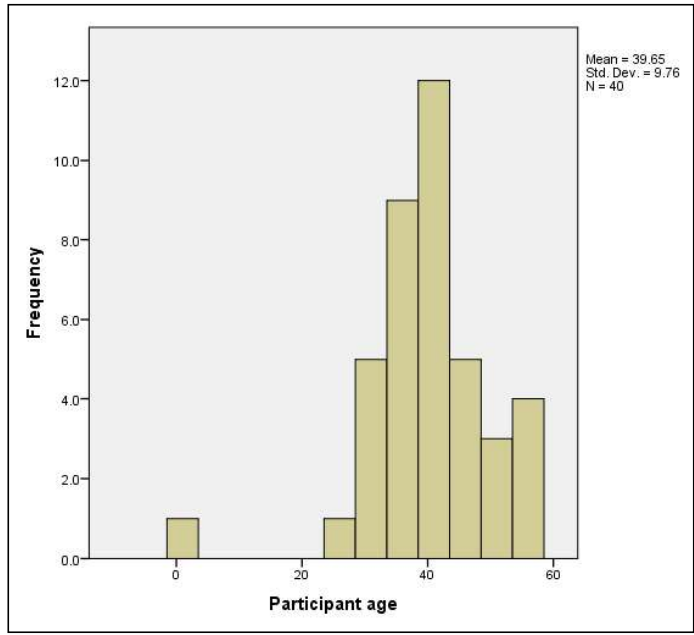


In the case of the Company C union, the membership was predominantly female but there were only five women out of 15 officers in the leadership. The three highest ranking officers (president, internal and external vice presidents) were men even as the union secretary and treasurer are women. There were 12 men and eight women among the officers of the Company B union. Meanwhile there were nine males and seven females in the Company A union. The presidents in all three unions were males.

The mean age of the participants was 40 years old with a standard deviation of 10 years. This was consistent with the observation of the researcher that garment workers are in general older compared to workers in the electronics industry.

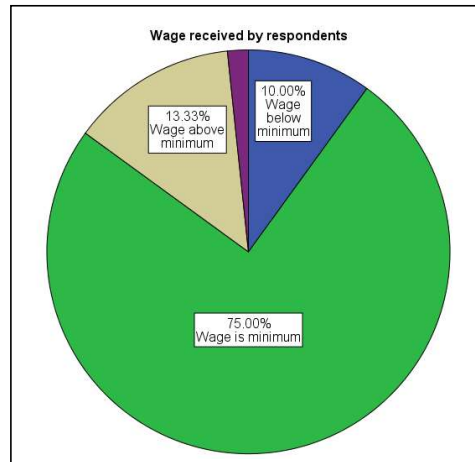
An overwhelming majority of the respondents finished high school but did not attend college. A smaller number were able to reach college but did not graduate. A slightly bigger number either just finished elementary but did not proceed to high school or reached high school

but did not finish. This reflects the generally low level of education of most garment workers.

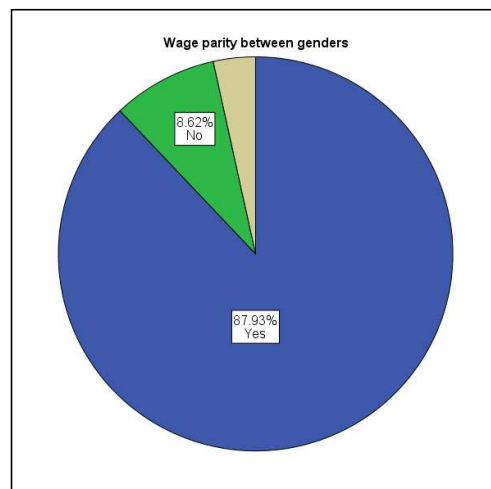


To summarize, the profile of the garment worker that participated in the survey was male, middle aged and low in educational attainment.

### *Working Conditions*

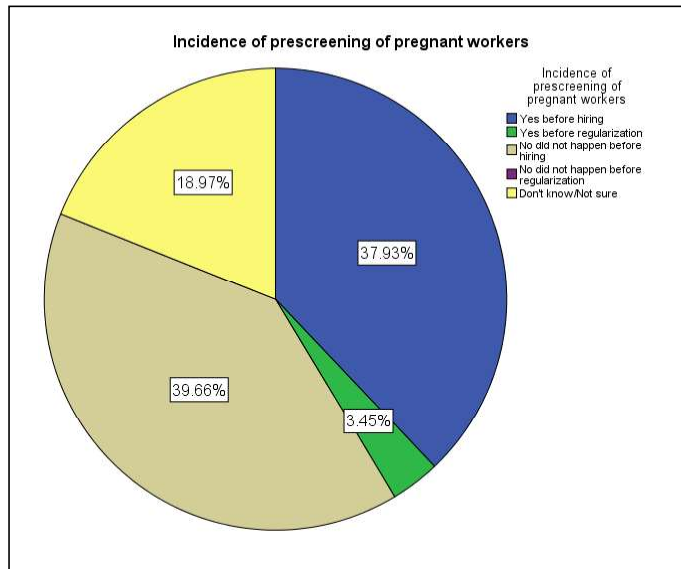


Three fourths of respondents merely received the minimum wage. At the time of the research survey in 2019, the minimum wage in the Cavite ecozone stood at ₱373. A small minority of workers received below minimum wages, which is a violation of labor standards. Practically the same number of workers stated that their wages were above the minimum. This finding reflected the fact that the minimum wage is the normal or average wage in the Cavite ecozone.



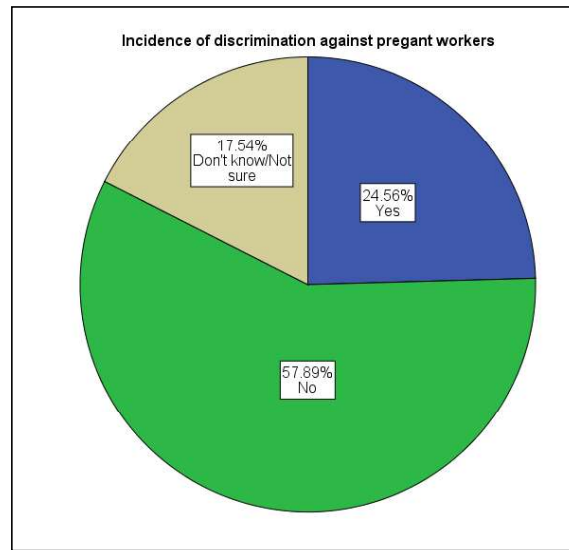
There was wage parity between female and male workers who participated in the survey. This was simply because the minimum wage is the mode. Only a tiny minority asserted that there is a gender gap in wages. Given that the survey respondents were all rank-and-file garment workers, the lack of a gender pay gap is not surprising. Data suggests that occupational sex segregation is a source of the gender pay gap in the Philippines (Asian Development Bank, 2013).

A significant number of respondents averred that there was prescreening of pregnant workers either before hiring or regularization, although almost the same number of respondents believed that there was no prescreening of pregnant workers. However, if the respondents are segregated as to their company, most respondents who asserted that prescreening happened were from the factories Company A and Company B. Most workers in the factory Company C however replied in the negative. This suggests that prescreening is dependent on factory management.



As for discrimination in general against pregnant workers, more than half of the respondents asserted that there was none while a quarter of them stated that there is. Discrimination against pregnant workers could be in the form of harassment, termination or forced resignation.

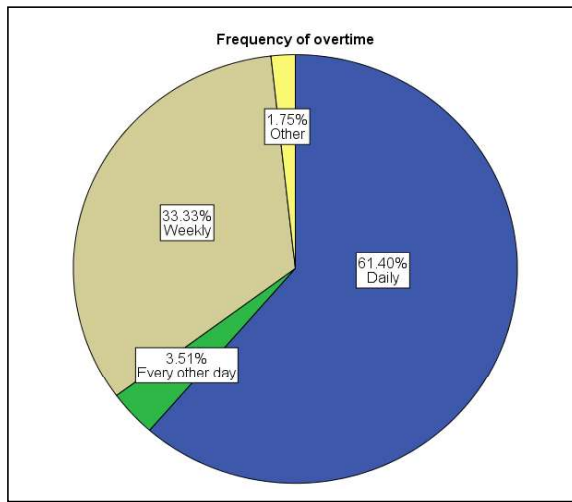
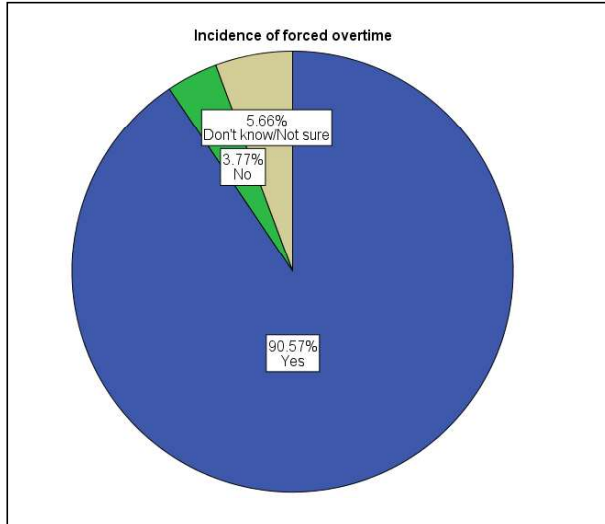
Most workers who answered in the positive came from Company A and Company B. Once more, it can be inferred that discrimination against pregnant women was selective and not across the board.



Pre-screening for pregnant workers and other forms of discrimination against them are types of workplace gender-based violence. These observations correlate with findings of AFWA (2018a, 2018b, 2018c) and ILO (2022) on the existence and persistence of harassment on the basis of gender.

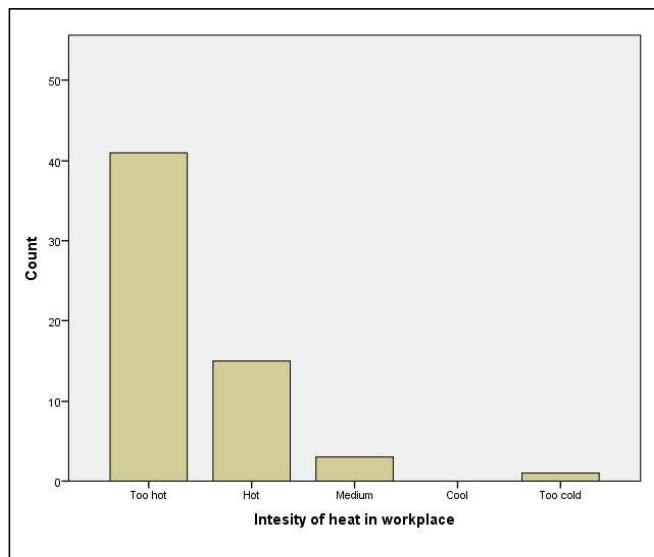
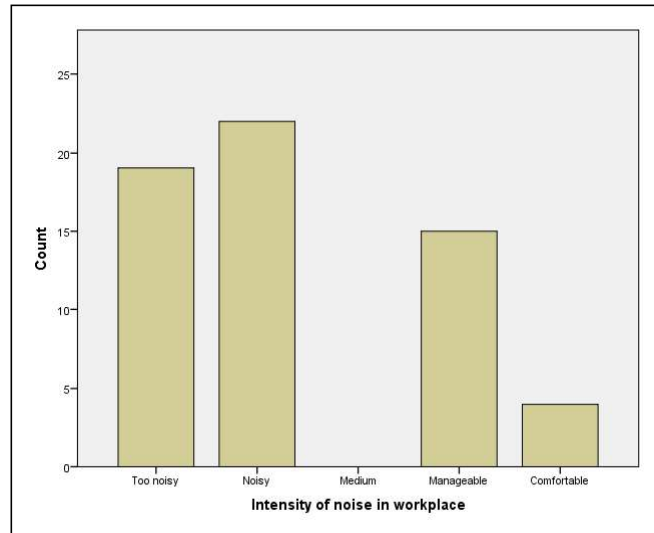
Almost all workers said that they suffer from forced overtime. Only a very small number said that they did not. More than half of respondents worked overtime daily while more than a quarter went beyond eight hours work once a week. This finding reinforces the observation of the author that forced overtime is a general phenomenon among workers in the garment and other industries in the Cavite ecozone. Given that majority of workers in garment factories are female, this is also a case of gender-based violence since it disproportionately impacts women workers.





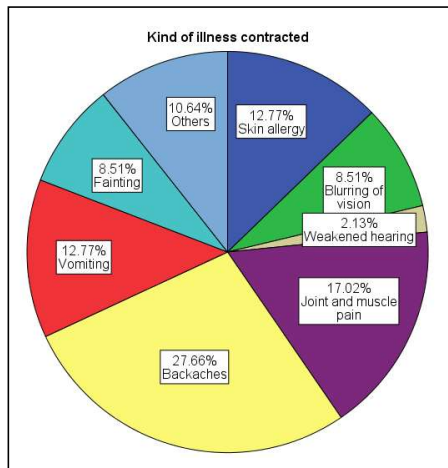
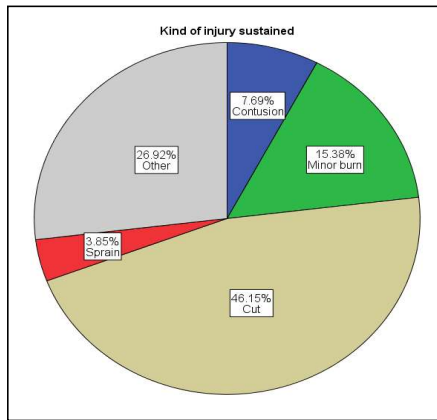
A large number of workers asserted that the garment factories were either too noisy or noisy. A similar large proportion also stated that their workplaces were either too hot or hot. It must be noted that more than twice the number of workers said that the factory was too hot compared to those who responded that it was just hot. So, in terms of severity, heat is worse than noise. This finding does not speak well of

the working conditions in the three garments factories. It is indicative of dire conditions and poor occupational safety and health.



Some 65% of respondents reported having sustained workplace injuries while 79% stated that they contracted work-related sickness.

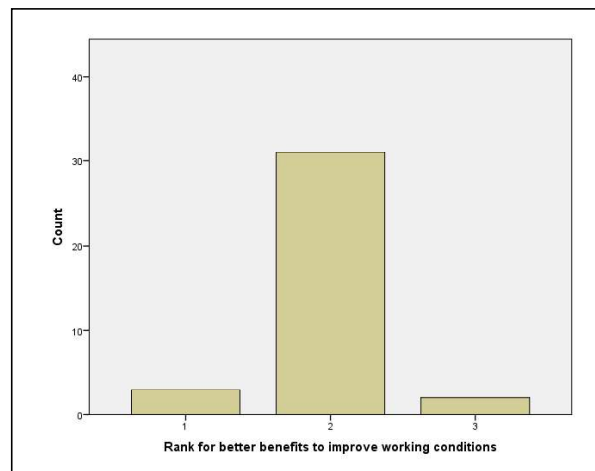
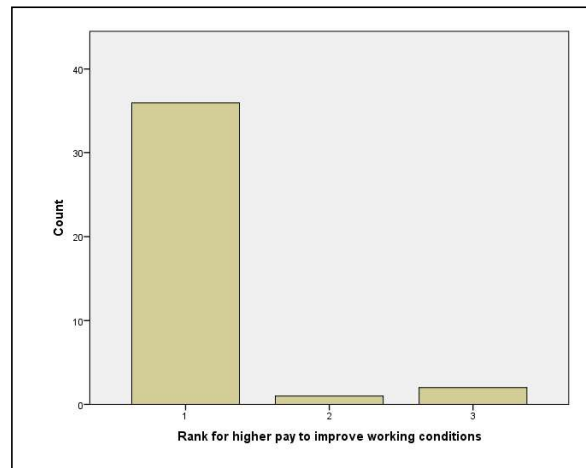
Almost half of those injured reported cuts while a significant number sustained minor burns. This finding is consistent with injuries expected of working with sewing machines. Among those reporting being sick due to work, the two most prevalent responses were backaches and joint and muscle pain. These sicknesses point to overwork as a root cause which would correlate with the prevalence of work beyond eight hours.



*Motivation to unionize*

When asked for what will make their life as workers better, the largest number gave a ranking of 1 to higher pay. This finding is consistent

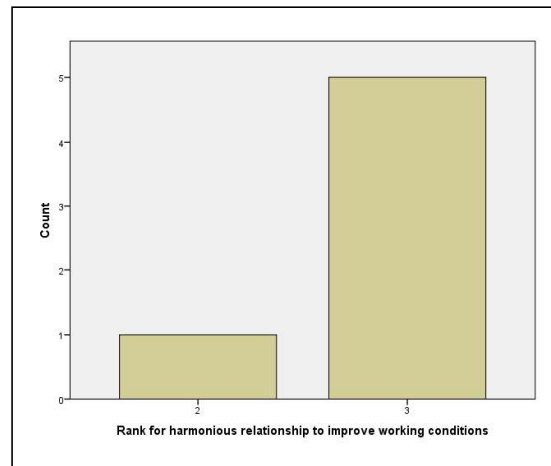
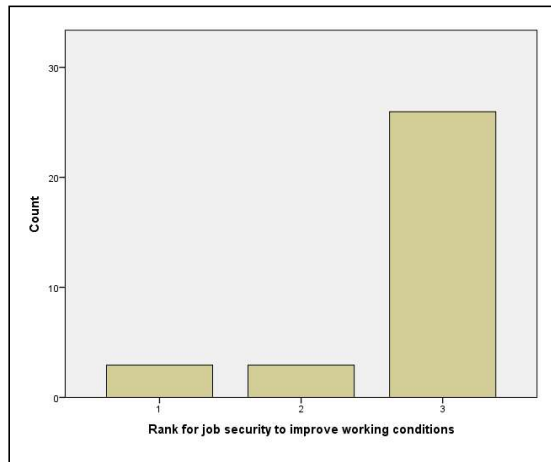
with the prevalence of low pay. This is reflective of the assertion by informants that the normal wage—which is the minimum wage—is not enough for the necessities of life.



Ranked as number 2 was higher benefits. This is symptomatic of the lack of robust benefits like sick leave, vacation leave, retirement pay and health insurance for workers which are beyond the legally mandated ones like 13<sup>th</sup> month pay and the five-day service incentive

leave. In the author's interactions with workers in the three factories, the benefits cited above were commonly mentioned.

Job security is ranked 3 as demand for well-being in the workplace. This response is indicative of the epidemic of contractualization in the Cavite ecozone and also of the incidence of arbitrary suspensions and terminations.



It is interesting to note that a significant number also gave a rank of three to harmonious relationship with the employer. In the language of

industrial relations, harmonious relationship connotes a preference for negotiations and social dialogue rather than strikes and direct action. But the author posits that the desire for harmonious relationship with the employer has a different meaning. Instead, it is symptomatic of the hostile interactions between workers and management. These are expressed in verbal harassment by supervisors and managers, and the penalty of suspensions to those failing to reach production quotas. Thus, the demand for harmonious relationship with the employer should be interpreted as a demand for a stop to these management abuses and a desire for humane treatment of workers.

These responses from the survey correlate with insights from key informant interviews. In the interviews, the most commonly mentioned reasons for workers seeking to unionize are the demand for wage increases, separation pay, regularization of tempo workers, and stop to verbal harassment, arbitrary administrative cases and excessive production quota.

The union president of Company A averred that the most pressing issue for workers in the factory was being shouted at and insulted by management personnel. All of this arose from the company desire to reach high production quotas. Successive failures to reach the production quotas led to penalties for workers like suspension without pay for three, six, nine then 15 and finally 30 days. A Korean production manager was the target of ire of most workers for her abusive behavior towards workers like shouting, cursing and even throwing of clothes at workers who she felt were working too slow. Clothes and invectives being thrown at workers is a form of physical and psychological abuse, respectively, of Asian garment workers and is considered gender-based violence (AFWA 2019, 2018a, 2018b, 2018c).

Other abuses mentioned by the Company A union president included padlocked doors when workers worked overnight in the absence of Korean managers. Another pressing grievance was the obtrusive CCTVs in the production area and monitoring of restroom use. Taken together, the vicious and cruel management of workers in order to achieve production targets prodded workers in Company A to unionize in a bid to change their dire conditions in the factory.

The Company B union president averred that the overarching demand in the factory was allowance for regular workers. Despite years on the job, Company B workers merely receive the minimum wage. Other significant workplace grievances were non-implementation of mandated leaves such as paternity leave and solo parent leave, non-implementation of mandated benefits like holiday pay and overtime pay, and health and safety concerns like clean drinking water and lack of fire exit.

The union secretary in Company C averred that workers' grievances revolved around low pay, few benefits and lack of job security. Wage increase was a key demand since rank-and-file workers just received the minimum wage irrespective of seniority. The most commonly desired additional benefit was separation pay. By this, the union secretary meant a cash benefit that workers should receive when they resign from the factory.

The demand for separation pay deserves some explanation. In labor law, separation pay is received by workers who are terminated due to so-called authorized causes such as redundancy or bankruptcy. Separation pay is not applicable to resignation. Meanwhile, the retirement law mandates that the benefit can only be received when workers retire at the age of 60 at the earliest. Resignation at an earlier age disqualifies workers from receiving the mandated retirement (The LawPhil Project, n.d.). Thus, after years of working in the factory for meager wages, workers in the Cavite ecozone will not get anything from the company when they resign before the age of 60.

According to the Cavite union organizer, most workers do not reach the age of 60 in the factory because management will replace them with younger workers. Likewise, he says that most workers do not want to remain working in the factory at such an advanced age. Instead they would rather resign earlier with separation pay so they can start a small-scale livelihood or buy a sewing machine and shift to homeworking. Given that most garment workers are already middle aged, separation pay is a popular demand.

Another demand mentioned by the Company C union secretary was for the regularization of "tempo" workers. According to the union organizer, tempo workers are even worse off than contractual workers.

Contractual workers are required to have employment contracts and receive all the legally mandated labor standards from minimum wages to benefits like social security and 13<sup>th</sup> month. To evade this, ecozone companies hire tempo workers. Tempos do not have employment contracts and are not in the company payroll list but are rehired continually when needed. They usually receive the minimum wage but do not get benefits like 13<sup>th</sup> month pay, social security, Philhealth coverage and others. In other words, tempo workers are in the twilight zone and technically should not even exist. In a sense, they are invisible workers who are absent in the company payroll and cannot be observed by labor inspectors or third-party auditors. Yet their presence is important in the operation of the garment firms. The repeated hiring of tempos contravenes Department Order 174 (Bureau of Labor Relations, n.d.), promulgated in 2017 to implement former President Rodrigo Duterte's electoral promise of ending contractualization (Aguilar, 2021).

It is important to note that while a gamut of grievances from wage increases, better benefits, job security and humane treatment animated workers' desire to unionize, a whole range of other workplace issues did not motivate the desire to unionize at all. Poor working conditions that were revealed in the survey responses did not figure as major concerns in the unionization effort. Forced overtime, heat, noise, other occupational health and safety issues and gender concerns like discrimination against pregnant workers were not mentioned by any of the key informants as motivators in unionization.

This is interesting to note given that these perceived poor working conditions came from survey participants who were active unionists. While these issues are indeed real, they are secondary to the primary motivators of unionism such as wage increases, better benefits, job security and humane treatment of workers. Mobilization theory resolves this contradiction: these grievances may cause dissatisfaction but are not seen as unjust or are not framed as wrong even by organic leaders and union organizers. Still, these workplace issues are sources of dissatisfaction that can become springboards for feelings of injustice by workers given a process combining interest, organizing, mobilizing, opportunity and forms of action as spelled out by Kelly.



### *Tactics of union building*

The unions in Company A and Company B were both formed in late 2017. Company C workers only started building a union in April 2019.

In all three factories, petitions were sent to management for redress of the grievances of workers. The petitions were started by organic leaders in the workplace and raised felt grievances of workers. At that point, unionization was not yet the recourse of the mass of workers and only a few leaders were convinced unionists.

In Company A, workers passed around a petition for the ouster of the Korean production manager. It garnered around 400 signatures according to the union president. Workers in Company B also circulated a petition for additional allowance to augment their wages and sent it to management for resolution. In Company C, a similar petition appealing for a wage hike was submitted to the company.

In all of these cases, management refused to heed workers' demands. In Company C, management met with workers leaders and even made a written promise that it will consider the demands. But no real action was taken by the company. The petition by Company B workers was met with silence by management. Worse, in Company A, the worker who submitted the petition was terminated on the spot. Workers who signed the petition were interrogated and many were forced to retract their support.

The failure of the petitions due to management's intransigence led directly to unionization. Once leaders decided to jumpstart union formation in a company, the workers who acutely felt the grievances and acted in support of the petition were the ready-made constituency for membership in the unions. According to the union organizer, leadership by the initial core of unionists was essential in pushing for union formation after the episode of mass petitions. On the basis of concrete experience that petitions without the power of a union led nowhere, workers started embracing unionism as the only viable option to resolve workplace grievances.

The role played by mass petitions in the unionization of the three garment factories shows the importance of interest and opportunity

in the process of organizing and mobilizing. The balance of forces was tipped in favor of unionization once workers realized the hardline opposition of employers to their demands. Thus, employers revealed themselves as unjust in the eyes of the workers.

Mass petitions are a less studied type of collective action in comparison to strikes. For Kelly (1998, p. 37-38), “[P]etitions, lobbies, collective appeals and the many other forms of non-cooperation and threats to employer legitimacy remain largely unexplored.” This study showed that mass petitions as a concrete form of collective action play a vital role in the process of unionization.

A worker leader in Company A had been in contact with the labor group for a few years and became active in the latter half of 2017 since there was an opportunity to build a union. The opportunity was the expiration of the collective bargaining agreement (CBA) between the incumbent union and the company. The incumbent union was however an organization created by management to subvert an earlier attempt to unionize by workers years ago. The CBA was a sweetheart contract that workers did not know about and was not the product of actual bargaining. The incumbent union existed as an instrument to discipline workers and the CBA provision about loans was a ruse to control workers. Alleged troublemakers in the factory were denied loans for example. Since daily wages were not enough, workers were dependent on these loans.

Company B union president revealed that he got in contact with unionists from other garment factories that the labor group had assisted before. It was these unionists who encouraged the Company B leaders to shift to union building. And it was the Company B unionists who later got into contact with the Company C leaders and urged them to unionize.

As can be seen from the experiences of all factories, contacts among unionized workers and referrals by workers from one factory to another are the ingredients for the spread of unionism. The encouragement of fellow ecozone workers who had previous experiences of unionization played an important role in motivating leaders to embrace union building. This face-to-face contact and engagement between worker leaders was key to the spread of unionism given the lack of a tradition

of unionism and a climate of anti-union propaganda. This ties in with the mobilization theory's assignment of leadership to union activists in the framing of interests and pushing for collective action.

In the case of Company B and Company C, union building was assisted by small victories gained by the action of the union. Union leaders in Company B negotiated with management for the provision of clean potable water in the workplace. There was a water fountain but workers suspected it was not clean enough to drink. The union and management agreed on a compromise that mineral water be made available subject to payment of a nominal amount. In Company C, the union assisted a worker whose social security contributions were not remitted by management. The union talked to management so that the contributions can be immediately remitted and the needed benefits claimed by the worker. In both these cases, the union represented the workers and negotiated in their behalf even without the formality of being a sole and exclusive bargaining agent (SEBA). SEBA status is gained only after a union garners majority support from workers through a certification election. These victories, however small, widened the support from workers as it showed that the union can deliver change in the workplace.

However, the crucial test for the union was surmounting the vicious counter-move of management once it became aware of union organizing. All three unions met fierce resistance from factory management. As Kelly (1998) averred, employers will engage in counter-mobilization and thus the balance of power may tip one way or the other.

Union busting in Company A started with the firing of the worker who courageously submitted the petition to oust the abusive production manager. Supervisors then talked to workers who signed the petition. They were cajoled or threatened to withdraw support for the petition. The loans extended to workers were used as both as carrot and stick. If they retracted support for the petition, they can avail of loans. If not, they are disqualified from being beneficiaries. The harassment proved effective. According to the Company A union president, only more than 100 workers joined the union from the 400 or so workers who supported the petition out of a little more than 600 regular employees.

Once the Company A union was registered, the company moved to have it delisted for fraud. Workers who retracted support for the union were used as basis for the charge of fraud. The original union president was pressured into resigning from the company for the alleged fraudulent signatures. A new president stepped up to the challenge of leading the union.

To undercut the petition for certification election (PCE), a new CBA between the incumbent union and management was submitted to the DOLE. When the new union filed a PCE, it was argued by the incumbent union that the so-called freedom period for an election had lapsed because of the conclusion of a new CBA. Further, that the PCE was defective because of alleged counterfeit signatures of workers who had retracted support. The DOLE regional office gave credence to these arguments and denied the PCE. However, on May 2019 the Office of the Labor Secretary favored the appeal of the Company A union and ordered a certification to be held immediately.

Then the entire union leadership were terminated en masse. This provoked a strike by the union membership to demand the reinstatement of the 16 officers, a stop to the verbal harassment of workers and limits on the production quota. The strike lasted for more than a month and was resolved by management paying separation to all the strikers numbering almost a hundred. The union officers were not reinstated but the strikers still considered it a partial victory since they were able to negotiate a substantial separation pay.

In Company B, union leaders and members were harassed by management and told not to proceed with the union. Workers were threatened that they will lose their jobs because the factory will close down. The case of Faremo International, then the biggest garment factory in the Cavite ecozone, which suddenly shutdown in 2016 just after three months from the conclusion of a CBA with the union was cited to make the threat credible (Cinco, 2016). The threat and harassment worked and the union lost the certification election in April 2018. Immediately after the election, civil cases for falsification of public documents were filed by two former union officers who alleged that the signatures in the union membership forms were forged. The same tactic of filing civil cases for falsification of public documents

was used against Company A union officers but the complainants were prevailed by fellow workers not to proceed with the case.

In March 2019 Company B implemented a mass layoff of workers to pre-empt the holding of another certification election. The separation offer was supposed to be voluntary but in fact workers were individually asked to accept it. As a result, almost all of the 350 regular workers were terminated and then rehired as contractual workers. The planned PCE did not push through given that the remaining unionists were just the officers and some active members refusing the separation offer. To further harass them, the union president was denied overtime. Overtime pay is important to workers for it augments the minimum wage they receive.

After Company C management learned that a union had been registered, supervisors started talking to workers to sign a pledge not to join the union. In one incident, the union president confronted one supervisor for the blatant interference in the right to unionize. He was instead slapped an administrative case for insubordination and threatened with suspension. Workers were told that the company will close down if a union is formed and that their customers do not want a union in the factory.

In response to management interference in the freedom to associate, all three unions filed complaints for union busting and unfair labor practice. Such cases triggered mediation proceedings by the DOLE through the National Conciliation and Mediation Board.

In the case of Company C, the mediation did stop management from suspending the union president but the promise to uphold freedom of association was simply lip service. Company A management committed in the mediation hearings to respect the right to unionize but did not follow through. As for Company B, management did not even respect the process. The company nurse or HR staff would attend mediation meetings with no power to decide and thus nothing was resolved. Company B management even denied leave for union officers attending hearings and then suspended them for going absent without leave.

With the DOLE dispute resolution mechanisms failing to stop management in its union busting maneuvers, the unions in the three factories sought out their customers. The goal was to seek remediation from garment brands sourcing from the factories. The codes of conduct of many garment brands stipulate that supplier factories will respect the right to unionize and provide for remediation in case of violations. This tactic is one form of supply chain organizing.

Thus, the unions in Company A and Company B through the labor group's links with international labor rights NGOs made representations to the garment brands for remediation. Company A's main customers were American brands. Company B produced for brands from Japan, France, US, and Korea. However, none of the brands responded to appeals.

Efforts to contact customers of the factories failed to produce any response and thus union busting by factory management interference continued unhampered. This experience contrasts with the earlier cases of other unions in the Cavite ecozone in which customers did respond which made a difference in the union building effort (Velasco, 2019).

#### *Calculus of support and opposition to unionism*

As can be seen from the experience of union organizing in the three garment factories, the motivation for unionization arises from unresolved workplace grievances. Yet despite the popularity of demands to remedy deficits of rights at work, the moment management moved to bust the union, workers wavered between supporting and opposing the organizing effort.

Analyzing the dynamics of union organizing in the three factories, the researcher argues that the decision of workers whether to assist or resist union organizing depends on a calculus between hope of improving working conditions and fear of losing their jobs. In other words, workers weigh the rewards and risk of participation in a union. Similarly, Kelly (1998, p. 38) explained that the "process of mobilization entails calculations by employees of the costs and benefits of collective action, and these will also be influenced by the behaviours and arguments of union activists (and managers) in what McAdam calls the 'micro-mobilization context'".

For workers, their well-being at work include both preserving their jobs and bettering their conditions. Workers hope that this can both be achieved but the reality is that decent work deficits prevail in the export zones. By unionizing, workers attempt to remediate their workplace grievances but run the risk of losing their jobs due to management harassment and factory closure. Thus, union busting by management forces workers to make the calculus between the rewards and risks of unionization.

It is an oft repeated observation by union organizers that a lot of workers are scared of unionism because of the threat of factory closure and loss of jobs. This is evidently true. It is revealed in the experience of union organizing in the three garment factories. It is also the author's personal observation from engagement with other workers organizing in the Cavite ecozone.

However, fear of the risks of unionism is only side of the equation. Looking only at the fear of losing jobs is a one-sided and therefore incomplete way of analyzing the dynamics of the decision of workers to support or oppose unionism. At the other end of the equation is workers' desire to resolve their workplace grievances. A whole-rounded view of the issue should consider both workers' fear and hope, of their calculus of the rewards and risks of unionism.

This is revealed in the fact that there is a constituency for unionism once workplace grievances cannot be resolved internally within the parameters of management's exercise of prerogative. It has to be understood that this calculus by workers is dynamic and thus explains why their decisions change depending on the flow of the situation. Support for the union increases when there are small victories. Support collapses when management goes all-out in striking fear in the hearts of workers with threats of closure or dangles offers of separation to lowly paid employees.

Finally, while intimidating workers with the possibility of closure often is successful, it does not always work. The Company C union secretary explained that workers dismissed management threats of factory closure. Some did not believe it outright since a new plant was just opened by Company C also in Cavite. Others were not concerned

with closure as long as they will get enough separation pay. And they welcomed the union as the only way for a decent separation pay to be negotiated if indeed the factory closes. This confidence among Company C workers contrasts with the panic of workers in Company A and Company B over the threat of closure.

The author asserts that the concept of a dynamic calculus between hope and fear, reward and risk is one way to understand the shifting preferences of workers between supporting and opposing unionism. For union organizers, tactics for building unions should be geared towards increasing the weight of the rewards of unionism and shifting the balance in favor of hope of changing workplace conditions.

### **Conclusion and Recommendations**

The research revealed the decent work deficits in the three garment factories in the Cavite ecozone. Workers suffered from low pay, inadequate benefits, insecure jobs, inhumane treatment by management personnel and excessive production quota. They were also prey to long hours of work, forced overtime, noise, heat and other occupational health and safety issues. A significant number of workers sustained workplace injuries arising from use of sewing machines and suffered from work-related illnesses rooted in overwork. Incidents of discrimination against pregnant workers occurred in two factories but not in the third one. This is the most evident form of gender-based violence but even forced overtime and long work hours classify as such since these issues disproportionately impact female workers.

A slight majority of the unionists from the three factories were male despite the preponderance of women workers in the ecozone in general and the garment industry in particular. Further, a substantial majority of union officers were men and in all three unions, the president was male. This finding correlates with the domination by men of union leadership and membership.

The ordinary unionist in the three garment factories was around 40 years old and finished high school but did not attend college. This finding is consistent with the older age and low educational



attainment of the garment workers in comparison to workers in electronics factories.

The motivation for workers to unionize in the three factories were, in order of rank, the desire to have higher pay, better benefits, more secure jobs and more humane treatment from management. The demand for wage increases is correlated with the low pay of workers which remain stuck at the level of the government mandated minimum. Rank and file workers do not get any salary hikes despite seniority on the job. One of the benefits desired by workers in the three factories is separation pay which refers to the cash payment once they resign from the factory. Since separation pay upon resignation is not mandated by law, it can only be attained through collective bargaining. Job security for workers, which means the regularization of contractual and also tempo workers. Tempo workers are a different category from contractuales and worse in status since they do not even enjoy the protection of employment contracts and do not receive mandated minimum benefits. Tempo workers are in the twilight zone and are invisible workers who are absent in the company payroll and cannot be observed by labor inspectors or third-party auditors. Technically they should not even exist but their presence is crucial in the operation of garment firms. On the other hand, job security also refers to the protection from arbitrary and punitive suspensions and terminations. This demand segues into the desire for a stop to abusive management practices such as verbal and physical harassment. The aspiration to change these deficits of rights at work are the principal drivers of unionization.

Union organizing started with a few leaders establishing contact with other workers in the ecozone who had previous experiences with unionism. Unionization in the three factories shifted to high gear after the experience of failed petitions by workers to seek redress of workplace grievances. Since management refused to heed workers' demands, practical experience revealed to workers that only the formation of a union and collective bargaining can change dire working conditions. The workers who supported the petitions were the constituency from which sprung the members of the union. The unions in two of the three factories were able to win wider support by negotiating the resolution of minor but not insignificant grievances.

However, the test of whether the union survives or thrives was how it faced the union busting maneuvers of management. In all three cases, the companies interfered in the freedom to associate by harassing union officers and members, and threatening workers with factory closure. The unions responded by availing of the dispute resolution mechanism of the State. But mediation proceedings did not stop union busting as management remained intransigent. A complementary tactic used by the unions was seeking remediation of the freedom of association violations through the brands the factories supplied to. However, in contrast to the experience of other unions in the Cavite ecozone, the unions failed to get any responses from the global garment brands despite the intercession of international labor rights NGOs.

The research posits that workers use a calculus of rewards and risks of unionism in order to decide whether they will support or oppose union organizing. On the one hand, workers are inspired by the hope of changing working conditions but, on the other hand, workers are paralyzed by the fear of losing their jobs. Workers base their actions and even change their preferences based on this calculus which is thus dynamic and dependent on several factors.

Union organizing should take account of this calculus between hope and fear, rewards and risks. A successful union organizing drive should utilize tactics that promote hope and minimize fear which management will highlight in its union busting schemes. Thus, winning small victories even as unionization is ongoing, will assist in shifting the balance between hope and fear, reward and risk.

Further, union organizing can be improved by bringing in additional concerns into workers' view. An example would be poor working conditions like heat and noise. Given the predominance of women workers, gender issues should be among the laundry list of grievances that union organizing should tap into.

The tactic of pursuing remediation by garment brands should be fine-tuned or reconceptualized. Supply chain organizing may be applicable to some factories but not to others.

The labor movement should continue and intensify its struggle for the DOLE and PEZA to institutionalize mechanisms to guarantee freedom

of association in the ecozones. This has been a long-running lobby and must be pursued to its conclusion given the challenges faced by workers seeking to unionize as a means to attain well-being in the workplace and decent working conditions. The ongoing campaign by the All-Philippines Trade Unions to fully implement the ILO high-level mission's recommendations is at the very least an enabler and may even be a game changer.

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