

The History of 17-Year Struggle by the Toyota Motors Philippines Corporation Workers Association (TMPCWA)

**Solidarity between Filipino and Japanese
workers and citizens**

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Toyota Motors Philippines Corporation (TMPC)

- **August, 1988**: Toyota Motors Philippines Corporation (TMPC) was established in Bicutan, Paranaque City.
- **November, 1996**: TMPC opened a new plant in Santa Rosa City, Laguna Province.
- TMPC has 1,700 employees and produces 49,000 vehicles a year. It is one of 53 production bases of Toyota Motors around the world. Despite its relatively small proportion in the total business of Toyota, with an annual production of 4 million units in Japan and 9 million worldwide, TMPC is the largest automobile manufacturer in the Philippines both in terms of production and sales.

Establishment of the labor union, TMPCWA

- **April, 1998**: TMPCWA was registered with the regional office of the Department of Labor and Employment(DOLE).
- **March, 2000** :Based on the result of the certification election, DOLE recognized the TMPCWA as the agent to exercise the right to collective bargaining. TMPC however lodged a complaint with the DOLE claiming that the election was invalid.
- **February 21-23, 2001** :The secretary of the DOLE convened a hearing. 300 members of TMPCWA took days-off to attend it, which the company regarded as an illegal strike.

The members of TMPCWA attended the hearing by DOLE



The process of the dispute

- **March 16,2001** : the secretary of the DOLE confirmed for the third time the certification of the TMPCWA as the sole and exclusive collective bargaining agent. TMPC dismissed 227 workers for the participation in the alleged illegal strike on 22-23 February. (the total number of the dismissed 233.)
- **March 28,2001** : the TMPCWA went on a 2-week strike, demanding the revoke of the dismissal. TMPC management exerted pressure on the Aroyo administration threatening possible withdrawal of the investment in case the dispute prolonged.
- **April 10, 2001**:the secretary of the DOLE brought to an end to the strike by submitting the dispute to compulsory arbitration.

TMPCWA went on a 2-week strike
Bicutan factory



Santa Rosa factory



Three law suits filed against the union

- **August, 2008** :In the case whether the leave union members took in February 2001 to attend the hearing organized by the secretary of the DOLE was an “illegal strike, ” the Supreme Court ruled against the TMPCWA.
- **August, 2010** :In the case over the legitimacy of the certification election in March 2000, the Supreme Court ruled against the TMPCWA.
- Security guards of the TMPC filed criminal complaints against some union officers claiming that they were threatened during the strike.
- These law suits had forced the TMPCWA to fight an uphill struggle.

Support from Japan

- **The beginning of 2000:** the Young Catholic Workers (YCW) of the Philippine sent a letter to request support for the TMPCWA members.
- **April, 2001:** Mr. Ed Cubelo, the president of the TMPCWA, was invited to a seminar for workers in the automobile industry. A protest was also conducted at the Toyota's head office in Tokyo.
- **July, 2001:** a group of Japanese supporters visited the Philippines to lodge protests at the main office TMP and the Embassy of Japan.
- **October, 2001:** The Support Group for TMPCWA was established.
- **May, 2004:** The Aichi Group of the Support Group for TMPCWA was established.

Toyota Tokyo head office



Protest actions in Philippine



Complaint filed with ILO

- **February, 2003:** the TMPCWA filed a complaint against the government of the Philippines with the Committee on Freedom of Association of the ILO.
- **November, 2003:** the committee issued a recommendation. The recommendation urged the government of the Philippines:
 - to bring the national legislation into full conformity with the principles of freedom of association and collective bargaining;
 - to make every effort to ensure that the TMPCWA and TMPC negotiate in order to reach a collective agreement;
 - to initiate discussions in order to consider the reinstatement in the previous employment of the dismissed workers or, if reinstatement is not possible, pay adequate compensation to the workers concerned;
 - to take measures to withdraw the criminal charges against some union officers;
 - to consider the possibility of accepting a consultative mission in relation to the case.

The lobby in the general assembly of ILO



Violation of the OECD Guidelines for Multinational Enterprises

- **March, 2004**: the TMPCWA and the Support Group for TPCWA filed a complaint with the OECD National Contact Point (NCP) in Japan claiming that Toyota violates the OECD Guidelines for Multinational Enterprises.
- **March, 2010**: NCP Japan issued the initial assessment, six years after the issue was raised.
- Discussions have been continued since then. The case of the TMPCWA dispute is well known as the longest outstanding case with reference to the guidelines.

IMF Global Campaign

- With the ILO recommendation and filing of a complaint to OECD, the global unions started to pay attention to the case of TMPCWA. The International Metal Workers' Federation (IMF) which had later turned into IndustriALL had taken particular interest.
- **August, 2005:** IMF-JC started mediating between TMPCWA and Toyota Motors Philippine Corporation based on IMF's demand for reinstatement of dismissed workers.
- **March, 2006:** Upon the unsatisfactory response from the company, TMPCWA had a negotiation in Manila with mediation by IMF headquarters. As the company rejected the unions' demand, IMF decided to undertake Global Campaign.
- **June-July, 2006:** The first IMF global campaign on TMPCWA took place in.
- **September, 2006:** The second IMF Global Campaign was implemented. Affiliated unions in 45 countries staged protests at Japanese embassies.

Background of the visit by the ILO High-Level Mission to the Philippine

- The incidents of “extra-judicial murders” drastically increased under the Aroyo administration and many activists in the labor movement were victimized. In 2006, KMU filed a complaint on the cases of “extra-judicial murders” with the ILO.
- Since around 2006, military personnel began to station in the premises of the TMPC plants. A contingent of troops has been placed near the office of the TMPCWA in Sta. Rosa. The union president Ed Cubelo experienced intimidation and threats posed by the military.

Sta. Rosa office of TMPCWA



The site of a contingent of troops



ILO High-Level Mission to the Philippines

- **September 22 to 29, 2009**: ILO sent a 3-member High-Level Mission to the Philippines from to investigate into the cases filed by complainants in the country.
- **September 23** : The mission conducted interviews with the TMPCWA.
- **September 25**: to conduct interviews with the TMPC management.
- **December 2009**:The mission report was issued and urged the government of the Philippines to seek for an “out-of-the-box” settlement to end the dispute. The out-of-the-box settlement means the government of the Philippines should seek for an solution in line with the international labor standards rather than within the framework of the national legislation.
- In the wake of the mission report, the DOLE started taking actions towards the settlement of the dispute.

ILO High-Level Mission visited in TMPC for interviews



Development after ILO High-Level Mission

- **June ,2010**: the TMPCWA president Ed Cubelo and I participated in the general assembly of the ILO and had meetings with Ms. Karen Curtis, the deputy chief of the International Labor Standards and the undersecretary Bardos of the DOLE.
- Ms. Curtis told us that she wanted to settle the issue of the criminal charges first. The serectray Bardos told us that she had been discussing the issue with the TMPC and wanted to resolve the dispute with a win-win settlement in which neither the union nor the company would lose face.
- **December,2011** :On the occasion of the ILO Asia Pacific Assembly that was held In Kyoto, the support groups in Japan handed out fliers explaining the dispute in English to the participants to raise awareness among the member countries in the region. The Support Group for TPCWA also had a meeting with the secretary Bardos of the DOLE.

The lobby in ILO Asia Pacific Assembly in Kyoto



Withdrawal of the criminal charges against union members

- **May,2013**:Thanks to the support from the ILO and the DOLE, the criminal complaints filed against 20 members of the TMPCWA were withdrawn at the district court by the plaintiffs and those involved in the case were cleared with the charges.
- The workers who were accused simply because they were recorded in the videos taken with the security cameras at the TMPC premises could not obtain decent jobs for 12 years due to the criminal charges.
- However,based on the decisions by the Supreme Court, the TMPC had kept refusing to sincerely respond to the mediation efforts that the DOLE made according to the ILO recommendations regarding the case of the labor dispute. They however had to accept the result regarding the criminal charges against the union members.

Withdrawal of the criminal charges after 12 years



The Shame on Toyota Campaign

- The TMPCWA has hold protests at the TMPC plant in Sta. Rosa as well as Toyota dealers, the main office of the Metro Bank, the major shareholder of the TMPC, the DOLE and the Embassy of Japan in Manila. Particularly, on March 16, the day that the mass dismissal took place in 2001, a demonstration of a large scale has been held every year.
- In order to pressurize the TMPC, the TMPCWA launched the “Shame on Toyota” campaign in 2015 and conducted intense protect actions to amplify the effects of mediation efforts by the DOLE.

The Shame on Toyota Campaign



Support activities in Japan(1)

- An independent trade union based in Kanagawa Prefecture that has large cities of Yokohama and Kawasaki, together with other labor and/or non-governmental organizations including Japan Auto Workers' Network and Yokohama Action Research has established the Support Group for TPCWA.
- In Aichi prefecture where the Toyota Japan has the main office, workers who have struggled against Toyota for many years also established a Support Group.
- These support groups jointly work on the strategies and conduct joint actions against Toyota including sending letters to the company management and publishing newsletters and pamphlets.

Protest action in front of Toyota head office in Toyota city



Support activities in Japan(2)

- The Support Group for TPCWA invite representatives of the TMPCWA and visit Toyota City, Aichi Prefecture, every year by arranging a bus trip for members and other TMPCWA supporter in Kanagawa Prefecture in order to conduct a 2-day demonstration including negotiation at the Toyota main office and protect actions.
- The Support Group also conduct negotiations and protest at Toyota head office in Tokyo. The Aichi support group holds protests in conjunction with the general assembly of the shareholders of Toyota.
- Progressive trade unions in Tokyo Metropolitan Area also take part in solidarity actions. The large-scale joint action of various unions and workers organizations held in every three months in Tokyo to support workers and unions in labor disputes with participation of more than 100 people each time concludes with protest outside Toyota's Tokyo HQs. The Labornet Japan reports on the case of the TMPCWA every now and then.

Protest action in front of Toyota Tokyo head office



The secretary of the DOLE sent a letter to Toyota Japan

- **June, 2016:** President Duterte took office and Mr. Silvestor Bello, one of the key figures in the Duterte administration, was appointed to be the secretary of the DOLE.
- **July, 2016:** The TMPCWA had an opportunity to meet with the undersecretary of the DOLE. The DOLE secretaries of the new administration started negotiating with TMPC in a stronger position than that of their predecessors.
- **February, 2017:** The undersecretary sent a letter to the president of the TMPC after which no particular progress took place.
- **July 17 to 23, 2017:** The TMPCWA staged a sit-in action outside the Malacanang Palace.
- **August, 16 to 23, 2017:** The TMPCWA staged a sit-in action outside the DOLE.
- **August, 2017:** The secretary Bello of the DOLE sent a letter to Takeshi Uchiyamada, the Chairman of Toyota Japan to encourage Toyota Japan to take actions for the settlement.

Sit-in action outside the DOLE



Towards the solution of the dispute

- The fact that the Filipino Government sent a letter to Toyota Japan is epoch-making.
- TMPCWA has continued the struggle even after the Supreme Court made decisions against them. The ILO urged the government of the Philippines to take actions for the settlement of the case.
- The validity of the ILO recommendations and that the international labor standards override domestic laws have been proved.
- The 17-year struggle to seek justice pursued by the TMPCWA is characterized with the fact that the international solidarity started with Japan and extended worldwide has always provided a strong support to the members of the TMPCWA.
- TMPCWA and the Support Group are hoping to start an international campaign depending on Toyota's response to the letter from the secretary of the DOLE.

