

URGENT ACTION

PEACEFUL PROTESTORS ATTACKED AND ONE MURDERED

Hundreds of workers from southern Philippines have been camping out in Manila since 27 November 2018 to protest the labour conditions on Japanese-owned Sumitomo Fruit Corporation (Sumifru) plantations. Since declaring a strike on 1 October 2018, the workers have faced multiple attacks, including the killing of a prominent union member and the burning down of the union's office and the houses of some members. A prompt, thorough and impartial investigation by the Philippine authorities into the threats and attacks should be conducted immediately, and the authorities must also guarantee the safety of the protesting workers.

TAKE ACTION: WRITE AN APPEAL IN YOUR OWN WORDS OR USE THIS MODEL LETTER

Secretary, Department of Justice, Menardo I. Guevarra
DOJ Building, Padre Faura Street,
Ermita, Manila,
1000, Philippines
(+632) 523 8482 to 98
communications@doj.gov.ph

Dear Secretary Guevarra:

I am writing to draw your attention to the plight of the hundreds of workers of Japanese-owned Sumitomo Fruit Corp. (Sumifru). Since 27 November 2018, they have been staying at makeshift camps in Manila to protest the working conditions on Sumifru's plantations. Workers claim that Sumifru has refused to provide government-mandated wages and other benefits as well as security of tenure, despite a court order in their favour.

Since declaring a strike on 1 October 2018, the workers have experienced threats and attacks. As a result of the violence, one member, Danny Boy Bautista, was killed on 31 October 2018. Further to the violence, the union office and houses of some of their members were burned down on 15 December 2018. The workers continue to experience threats up to now and remain at risk as they carry out their peaceful protests.

I urge your office to act swiftly to ensure the workers' safety. Specifically, I urge you to:

- ***Immediately conduct a prompt, thorough and impartial investigation into the attacks against workers and the murder of a union member, and bring suspected perpetrators to justice according to international fair trial standards;***
- ***Uphold and protect the safety of workers carrying out their strike, by taking measures to guarantee their right to freedom of expression and assembly.***

Thank you for your kind attention.

Sincerely,

**AMNESTY
INTERNATIONAL**



ADDITIONAL INFORMATION

On 1 October 2018, some 900 workers of Sumifru, via their duly recognized union Namasufa (Nagkahiusang Mamumuo sa Suyapa Farms), declared a strike over working conditions. As the strike drags on, the protesting workers have experienced threats and attacks, including the violent dispersal of protesters outside the plantation in Compostela Valley, southern Philippines, on 11 October 2018; the murder of one of the union's marshals on 31 October 2018, and the burning down of the union's office and the houses of some of its members on 15 December 2018.

The workers accuse the company of failing to regularize its workers and practicing contractualization – short/fixed-term employment used by employers, meaning workers do not have security of tenure, illegal under Philippine law. The workers also accuse the company of implementing a piece-rate payment scheme, which allegedly reduces workers' pay to half the prescribed minimum wage, and of failing to negotiate a collective bargaining agreement with the workers' union. Sumifru denies the allegations.

On 6 October 2018, a Philippine court denied Sumifru's petition to eject the protesting workers from their picket lines in the company's banana plantation in Compostela Valley. The company argued in its petition that the strike has caused the company losses amounting to PhP 38 million (over USD 700,000).

On 27 December 2018, the Philippine labour department scheduled a labour conference between the workers and Sumifru's representatives to resolve the dispute, but the latter failed to attend. A second conference was held on 4 January 2019, where, according to John Paul Dizon, the chairperson of the workers' union, Sumifru reiterated its plan of regularizing only about 140 workers, those who were the first members of the union when it was formed in 2008. A third conference will be scheduled at a yet undetermined date in January 2019.

On 27 November 2018, about 300 of the protesting Sumifru workers travelled to Manila and have since been staying at makeshift camps near the office of the labour department.

Under international law, Philippines is duty bound to guarantee the right to work and the right to just and favourable conditions at work. This includes to the right to fair wages, the right to form and join a trade union, as well as the right to strike.

States have an obligation to respect and protect human rights in the context of corporate activities through regulation, oversight, investigation, adjudication and punishment. This obligation extends beyond borders (extraterritorially) where States can control or influence the conduct of corporations within their territory or under their jurisdiction. States' obligations are based on the human rights treaties they have ratified and other international standards.

All companies have a responsibility to respect all human rights wherever they operate, including throughout their operations and supply chains. The corporate responsibility to respect is independent of the State's own human rights obligations. The responsibility to respect is based on the globally-endorsed UN Guiding Principles on Business and Human Rights (UNGPs).

Useful links:

['End contractualization': Sumifru workers spend Christmas at protest camp](#)

[AFP sends soldiers to 'prevent chaos' at Japanese-owned banana plantation](#)

[Sumifru worker in ComVal gunned down](#)

[Alleged arsonists torch houses of striking banana workers in Compostela – KMU](#)

PREFERRED LANGUAGE TO ADDRESS TARGET: English

You can also write in your own language.

PLEASE TAKE ACTION AS SOON AS POSSIBLE UNTIL: 4 March 2019

Please check with the Amnesty office in your country if you wish to send appeals after the deadline.

NAME AND PREFERRED PRONOUN: Nagkahiusang Mamumuo sa Suyapa Farms (Namasufa), they/them