#### Chapter Seven

#### LABOR RELATIONS LAW

#### TOPICS PER SYLLABUS

#### A. Right to self-organization

- 1. Who may unionize for purposes of collective bargaining
  - a) Who cannot form, join or assist labor organizations
- 2. Bargaining unit
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- 3. Bargaining agent
  - a) Voluntary recognition
    - (i) Requirements
  - b) Certification election
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  - a) Affiliation and disaffiliation of the local union from the mother union
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    - (i) Requisites for assessment

#### A

#### RIGHT TO SELF-ORGANIZATION®

#### 1. CONSTITUTIONAL BASES.

Under the 1987 Constitution, it is mandated that "the State affirms labor as a primary social economic force. It shall protect the rights of workers and promote their welfare."

Consequently, the State is required to "guarantee the rights of all workers to selforganization, collective bargaining and negotiations, and peaceful concerted activities, including the right to strike in accordance with law."

Further, the Constitution declares that "the right of the people, including those employed in the public and private sectors, to form unions, associations, or societies for purposes not contrary to law, shall not be abridged."

#### 2. LEGAL BASES.

The Labor Code declares as a basic policy that the State:

- (1) shall assure the rights of workers, inter alia, to self-organization and collective
- (2) shall promote free trade unionism as an instrument for the enhancement of democracy and the promotion of social justice and development; and
  - (3) shall foster the free and voluntary organization of a strong and united labor movement."

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