

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
 - a) Test to determine the constituency of an appropriate bargaining unit
3. *Bargaining agent*¹
 - a) Voluntary recognition
 - (i) Requirements
 - b) Certification election
 - (i) In an unorganized establishment
 - (ii) In an organized establishment
 - c) Run-off election
 - (i) Requirements
 - d) Re-run election
 - e) Consent election
4. *Other relevant matters*²
 - a) Affiliation and disaffiliation of the local union from the mother union
 - (i) Substitutionary doctrine
 - b) Union dues and special assessments
 - (i) Requirements for validity
 - c) Agency fees
 - (i) Requisites for assessment

A.

RIGHT TO SELF-ORGANIZATION³

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.**"⁴

Consequently, the State is required to "guarantee the rights of all workers to self-organization, collective bargaining and negotiations, and peaceful concerted activities, including the right to strike in accordance with law."⁵

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."⁶

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 bargaining**;
- (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.⁷

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Table of Contents Labor Law Reviewer Of 2013 By Chan Sdocuments2

1. Understanding the eBook Labor Law Reviewer Of 2013 By Chan Sdocuments2
 - The Rise of Digital Reading Labor Law Reviewer Of 2013 By Chan Sdocuments2
 - Advantages of eBooks Over Traditional Books
2. Identifying Labor Law Reviewer Of 2013 By Chan Sdocuments2
 - Exploring Different Genres
 - Considering Fiction vs. Non-Fiction
 - Determining Your Reading Goals
3. Choosing the Right eBook Platform
 - Popular eBook Platforms
 - Features to Look for in a Labor Law Reviewer Of 2013 By Chan Sdocuments2
 - User-Friendly Interface
4. Exploring eBook Recommendations from Labor Law Reviewer Of 2013 By Chan Sdocuments2
 - Personalized Recommendations
 - Labor Law Reviewer Of 2013 By Chan Sdocuments2 User Reviews and Ratings
 - Labor Law Reviewer Of 2013 By Chan Sdocuments2 and Bestseller Lists

5. Accessing Labor Law Reviewer Of 2013 By Chan Sdocuments2 Free and Paid eBooks
 - Labor Law Reviewer Of 2013 By Chan Sdocuments2 Public Domain eBooks
 - Labor Law Reviewer Of 2013 By Chan Sdocuments2 eBook Subscription Services
 - Labor Law Reviewer Of 2013 By Chan Sdocuments2 Budget-Friendly Options
6. Navigating Labor Law Reviewer Of 2013 By Chan Sdocuments2 eBook Formats
 - ePub, PDF, MOBI, and More
 - Labor Law Reviewer Of 2013 By Chan Sdocuments2 Compatibility with Devices
 - Labor Law Reviewer Of 2013 By Chan Sdocuments2 Enhanced eBook Features
7. Enhancing Your Reading Experience
 - Adjustable Fonts and Text Sizes of Labor Law Reviewer Of 2013 By Chan Sdocuments2
 - Highlighting and Note-Taking Labor Law Reviewer Of 2013 By Chan Sdocuments2
 - Interactive Elements Labor Law Reviewer Of 2013 By Chan Sdocuments2
8. Staying Engaged with Labor Law Reviewer Of 2013 By Chan Sdocuments2
 - Joining Online Reading Communities
 - Participating in Virtual Book Clubs
 - Following Authors and Publishers Labor Law Reviewer Of 2013 By Chan Sdocuments2
9. Balancing eBooks and Physical Books Labor Law Reviewer Of 2013 By Chan Sdocuments2
 - Benefits of a Digital Library
 - Creating a Diverse Reading Collection Labor Law Reviewer Of 2013 By Chan Sdocuments2
10. Overcoming Reading Challenges
 - Dealing with Digital Eye Strain
 - Minimizing Distractions
 - Managing Screen Time
11. Cultivating a Reading Routine Labor Law Reviewer Of 2013 By Chan Sdocuments2
 - Setting Reading Goals Labor Law Reviewer Of 2013 By Chan Sdocuments2
 - Carving Out Dedicated Reading Time
12. Sourcing Reliable Information of Labor Law Reviewer Of 2013 By Chan Sdocuments2
 - Fact-Checking eBook Content of Labor Law Reviewer Of 2013 By Chan Sdocuments2
 - Distinguishing Credible Sources
13. Promoting Lifelong Learning

- Utilizing eBooks for Skill Development
 - Exploring Educational eBooks
14. Embracing eBook Trends
- Integration of Multimedia Elements
 - Interactive and Gamified eBooks

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