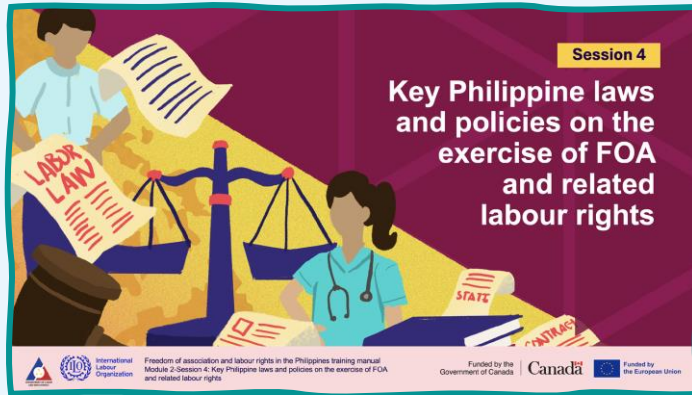


Module 2

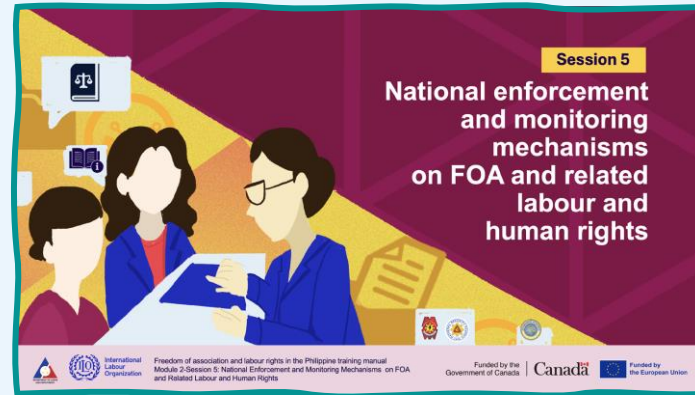
Conditions and challenges in exercising freedom of association and related labour rights in the Philippines





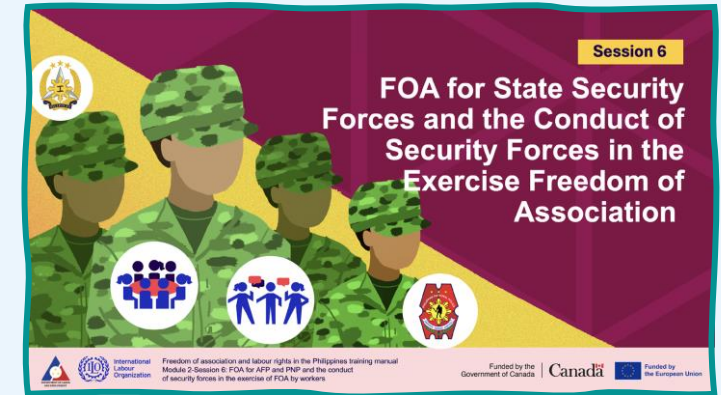
Session 4:

Key Philippine laws and policies on the exercise of FOA and related labour rights



Session 5:

National enforcement and monitoring mechanisms on FOA and related labour rights and human rights



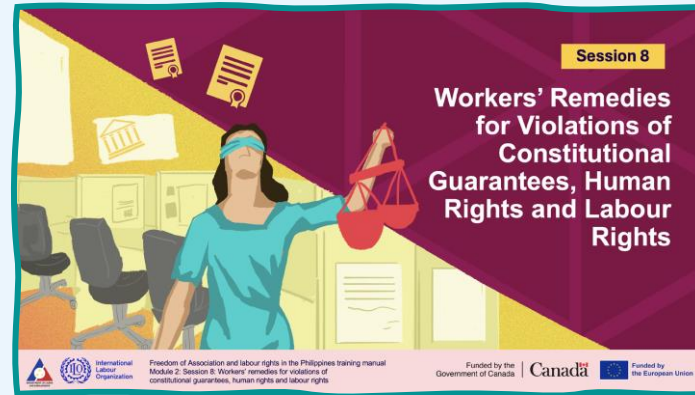
Session 6:

FOA for State Security Forces and the conduct of Security Forces in the Exercise of Freedom of Association



Session 7:

Human rights violations and challenges in the exercise of FOA



Session 8:

Worker's remedies for violations of constitutional guarantees, human rights and labour rights

Session 4

Key Philippine laws and policies on the exercise of FOA and related labour rights



Session snapshot



► Session 4

- Outlines the Philippine legal and policy framework on freedom of association and related labour rights.
- Summarizes salient points from the 1987 Constitution, the Labor Code, and the 2024 Omnibus Guidelines on Freedom of Association and Civil Liberties.
- Identifies other relevant measures supporting the exercise of FOA.



► Session 4



Estimated duration:
90 minutes



Required materials:

- Metacards
- Markers
- Usual presentation equipment and accessories





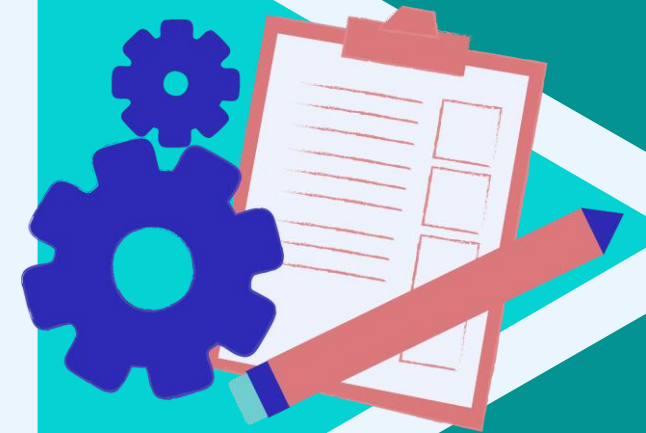
Facilitator's guide points



1. Introduce Session 4, being the first session under Module 2, with a broad overview of the theme on “**Conditions and Challenges in the Exercise of FOA and Related Labour Rights in the Philippines**”

“**Conditions**” refer to the legal and policy framework and the enforcement and monitoring mechanisms that oversee the effective exercise of FOA, collective bargaining and other labour rights

“**Challenges**” pertain to the risks, issues and actual violations in relation to the former

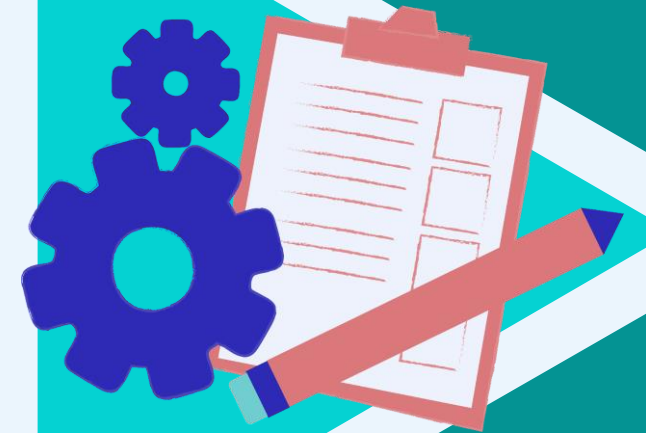




2. Conduct Activity M2-1, which aims to engage the participants on an professional and personal level with respect to the exercise of FOA and thereby enable a more grounded approach to discussing the topics covered throughout the module.



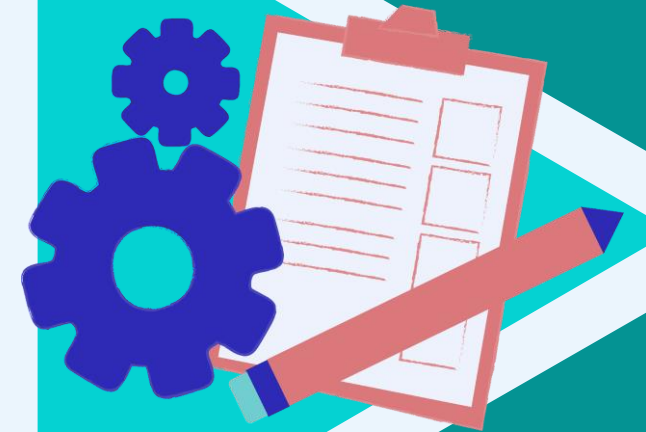
3. Proceed to Session 4 proper and provide what is expected from the session using the Overview content. Go through the learning objectives, too, to manage participants' expectations while encouraging closer engagement.





3. Further facilitate the session by discussing the following, using the Discussion Notes as provided:

- Salient Points of the 1987 Philippine Constitution
- Salient Points of the Philippine Labor Code (P.D. 442), as amended
- Reforms in the Labor Code Concerning the Right to Self-Organization
- Salient Points of Policies in the Public Sector
- Salient Points of E.O. 23
- Salient Points of the 2024 Omnibus Guidelines on the Exercise of FOA and Other Civil Liberties
- Other National Laws and Policies Related to the Exercise of FOA



Facilitator's Guide Points



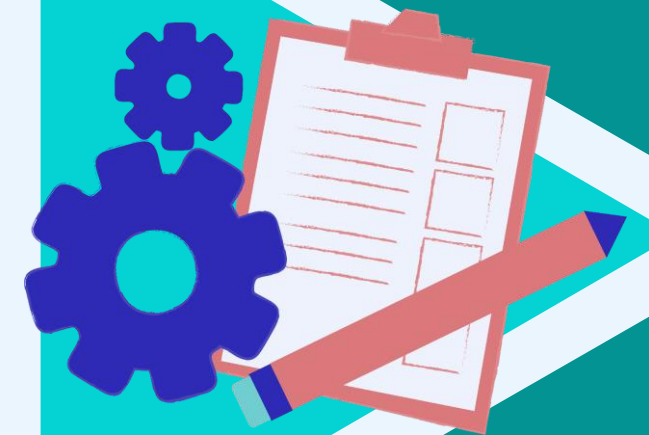
4. Be mindful of the Key Learning Points as internal guide on messaging.



5. Occasionally engage participants through parts of the session heavier on delivery of lecture. Checking whether they have any questions or comments is one handy method of engagement.



6. Conduct the recap exercise at the end of the session.





Learning objectives



Key law for FOA

Identify the salient points of key laws and policies on/related to the exercise of FOA and labour rights, both in the private and public sector;



FOA in PH

Explore other sectoral policy measures related to the exercise of FOA and related labour rights in the Philippines and the ways by which their effective implementation (or lack thereof) may impact on the right to organize particularly among workers



Gaps in laws

Initially determine and discuss some gaps or issues in the laws and policies in both their design and implementation

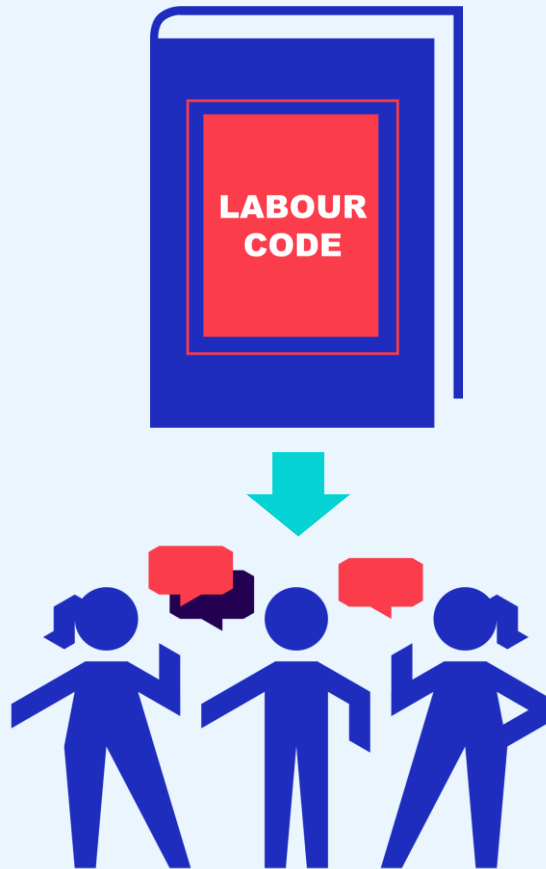


Key learning points

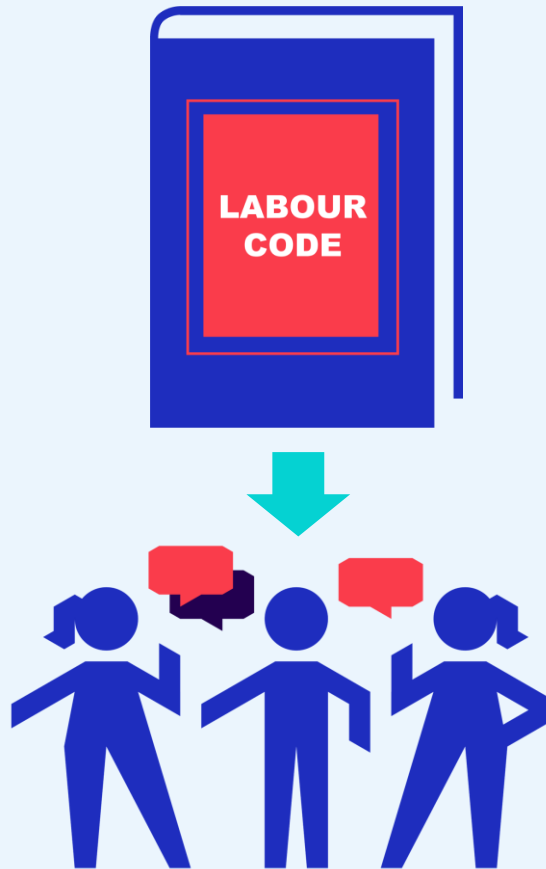


The exercise of FOA and labour rights in the Philippines is deeply anchored in a robust legal and policy framework

rooted in the broader principles of human rights, democracy and social justice, and in accordance with international human rights and labour standards.



The exercise of FOA and labour rights in the Philippines **is generally guaranteed as provided for under the 1987 Philippine Constitution, but this guarantee is not self-executing.**



Therefore, the Labor Code, as amended, and other related laws and policies expound and **operationalize the exercise of FOA and labour rights.**



Definition of key terms

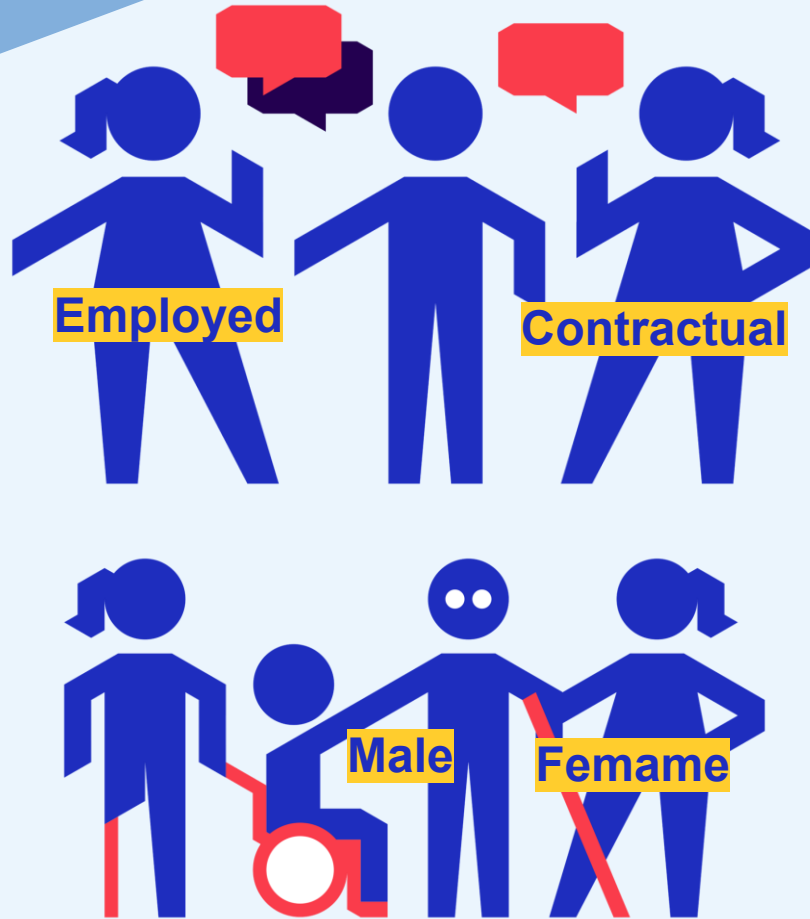


Collective bargaining

A voluntary process through which **employers and trade unions** discuss and negotiate their relations and interaction at the workplace

Ex. Pay and Working Conditions

Source: <https://www.ilo.org/media/316516/download>



Freedom of association

- The **right of workers and employers to freely form or join organizations to protect their interests**, free from State or mutual interference.
- **Covers all workers and employers**, even those without employment contracts.
- State-guaranteed for all, regardless of job, sex, race, creed, nationality, or politics.



Session proper

Session 4



Institutionalization of Industrial Relations in the Philippines



Salient points of 1987 Philippine Constitution



Salient points of the Labor Code of the Philippines

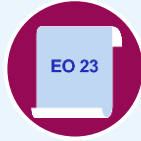


*What is collective bargaining?

Session 4



Salient points of policies in the public sector



Salient points of Executive Order 23



*2023 HLTM Recommendations



Salient points of the 2024 Omnibus Guidelines on the exercise of FOA and civil liberties



New Provisions

Institutionalization of industrial relations in the Philippines

Shows how laws and policies developed alongside economic and social shifts since the 1900s. Philippine labour policy and industrial relations evolved through **five main policy periods**¹.

ILO. (2012). Industrial relations and collective bargaining in the Philippines: Working Paper No. 41. <https://researchrepository.ilo.org/esploro/outputs/encyclopediaEntry/Industrial-relations-and-collective-bargaining/995328437702676>



Evolution of the PH industrial relations system: 5 policy periods



1900-1935

- Evolving labour laws;
- No collective bargaining framework
- State intervened only via arbitration
- DOLE was established



1935-1972

- Social justice in 1935 Constitution
- ILO membership (1948);
- Industrial Peace Act → collective bargaining
- DOLE as the national labour authority



1972-1974

- Martial Law → tight FOA restrictions
- Labor Code (PD 442) issued



1974-1986

- Labor Code fully implemented (Southeast Asia)
- Union activity restricted;
- Tripartism emerged



1986-present
(2012)

- Democratic transition (People Power);
- 1987 Constitution strengthened FOA
- Revival of collective bargaining & tripartite bodies (TIPC)

Institutionalization of industrial relations in the Philippines

1900-1935

1935-1972

1972-1974

1974-1986

1986-present

(2012)

Evolution of the Philippine Industrial Relations System



- There was virtually no labour law, with the State unable to effectively intervene on labour relations made directly between employers and workers entering into individual contracts (laissez faire approach)
- no framework for collective bargaining
- The State only came in for resolution of employer-employee industrial disputes by compulsory arbitration under a Court of Industrial Relations.

Institutionalization of industrial relations in the Philippines

1900-1935

1935-1972

1972-1974

1974-1986

1986-present

(2012)



International
Labour
Organization

- Labour protection was formally adopted as a State policy
- Incorporation of social justice provision in the 1935 Philippine Constitution;
- Membership of the Philippines to the ILO in 1948
- Enactment of a new Civil Code
- passage of a minimum wage law in 1950

Institutionalization of industrial relations in the Philippines

1900-1935

1935-1972

1972-1974

1974-1986

1986-present

(2012)



- Ratified ILO Conventions 87 & 98; **passed Industrial Peace Act (IPA)** → shift to collective bargaining
- **Union growth in manufacturing & services**
- **DOLE established as the national labour authority;** greater engagement in global labour standards
- Integration of the Philippines in international labour governance through ILO

Institutionalization of industrial relations in the Philippines

1900-1935

1935-1972

1972-1974

1974-1986

1986-present

(2012)



PD 442

- Martial Law: **heavy restrictions on FOA & civil liberties**
- Shift to **export-oriented policy** to attract foreign investment
- **Labor Code (PD 442) promulgated**

Institutionalization of industrial relations in the Philippines

1900-1935

1935-1972

1972-1974

1974-1986

1986-present
(2012)



- **Full implementation of Labor Code** → pioneering in Southeast Asia
- Updating the **legal framework for unionism** in the country (i.e., the IPA)
- Labour code incorporated specific restrictions on the exercise of FOA and collective bargaining

Institutionalization of industrial relations in the Philippines

1900-1935

1935-1972

1972-1974

1974-1986

1986-present

(2012)



- Rise of “moderate” vs. “radical” unions
- Employers Confederation of the Philippines (ECOP) formed; tripartite system with key labour and employer groups
- Creation of NLRC & BLR under DOLE

Institutionalization of industrial relations in the Philippines

1900-1935

1935-1972

1972-1974

1974-1986

1986-present
(2012)



- Restoration of democracy after People Power
- 1987 Constitution expanded labour protection & FOA, including for public sector
- Revival of collective bargaining & right to strike
- New employer groups (PCCI, PMAP) joined tripartism

Institutionalization of industrial relations in the Philippines

1900-1935

1935-1972

1972-1974

1974-1986

1986-present
(2012)



- Labour reforms integrated into Labor Code
- Bipartism at enterprise level; tripartism via TIPC (1990) at national and regional levels

Salient points of 1987 Philippine constitution



1987 Constitution

- Serves as the **primary legal basis for the protection and promotion of labour rights** in the Philippines
- the following provisions seek to **provide the overall framework for effective implementation of the principles of FOA and CB**, in accordance with international labour and human rights standards.



Article II



Article III



Article IX-B (2) (5)



Article XIII



Article XIII (Limitations)



Article II

labour is **affirmed**
“as a primary
social economic
force”



Article III

declaring **that FOA is a**
fundamental labour
right and guaranteeing
the right of all workers to
self-organization,
collective bargaining and
negotiations, and
peaceful concerted
activities.



Article IX-B(2)(5)

it provides that
government
employees should
not be denied the
right to self-
organization,
extending FOA and
CB to the public
sector.



Article XIII

State shall:

- ✓ afford **full protection to labour, local and overseas**, organized and unorganized
- ✓ promote **full employment and equality of employment opportunities** for all
- ✓ **guarantee the rights of all workers** to self-organization, collective bargaining and negotiations, and peaceful concerted activities
- ✓ **promote the principle of shared responsibility** between workers and employers
- ✓ **regulate the relations** between workers and employers



Article XIII (Limitations)

- The Members of **the civil service** may not declare a strike to enforce economic demands.
- The ability to strike is not essential to the right of association.
- The right of the sovereign to prohibit strikes or work stoppages by public employees was clearly recognized at common law.
- Article 245 of the Labor Code **which makes managerial employees ineligible to join**, assist or form a labour union, does not violate Section 8 Article XIII of the Constitution.

Salient points of labor code of the Philippines



Labor code of the Philippines

- **Presidential Decree No. 442**
- The following provisions seek to execute the constitutional right to organize and collective bargain, and,
- Provide for labour standards to be compiled with, in accordance with international principles of FAO and CB.



Article 252: Coverage and employees' right to self-organization



Article 253: Rights of employees in the public service



Article 256: Non-abridgement of the right to self-organization



Article 261: Duty to bargain collectively in the absence of collective bargaining agreements



Article 262: Meaning of duty to bargain collectively



Article 252

Coverage and employees' right to self-organization

- All persons employed **shall have the right to self-organization and to form, join, or assist labour organizations** of their own choosing for purposes of collective bargaining.
- **Self-employed people or those without any definite employers may form labour organizations** for their mutual aid and protection.



Article 253

Rights of employees in the public service

- Employees of the government corporations established under the Corporation Code shall have the right to organize and to bargain collectively with their respective employers.



Article 253

Non-abridgement of the right to self-organization

- duty to bargain collectively means the performance of a mutual obligation to meet and convene promptly and expeditiously and in good faith for the purpose of:
 - negotiating an agreement with respect to wages, hours of work
 - all other terms and conditions of employment
 - unlawful for any person to restrain, coerce, discriminate against or unduly interfere with employers and workers in their exercise of the right to self-organization.



Article 261

Duty to bargain collectively in the absence of collective bargaining agreements

- Collective bargaining or negotiations towards collective agreement is a democratic framework to stabilize the relation between labour and management



Article 262

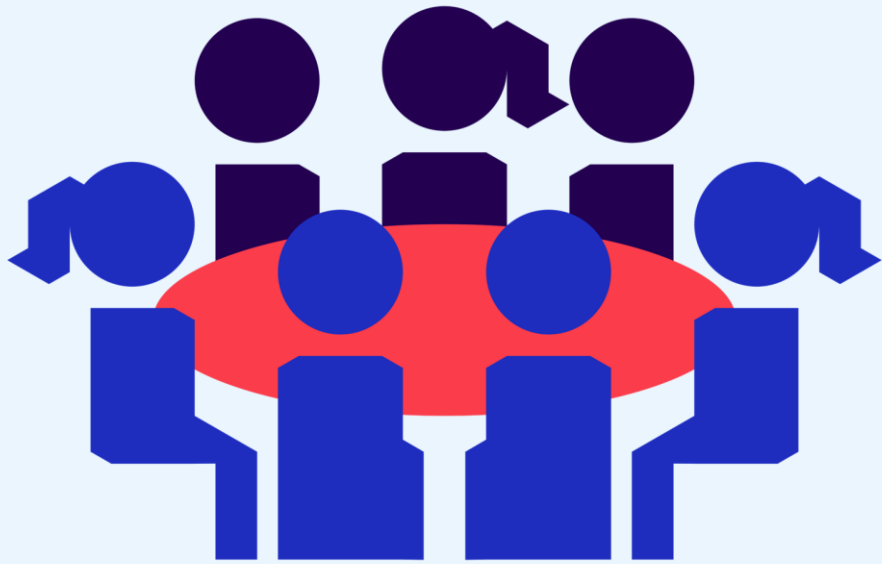
Meaning of duty to bargain collectively

- duty to bargain collectively means the performance of a mutual obligation to meet and convene promptly and expeditiously and in good faith for the purpose of negotiating an agreement with respect to wages, hours of work and all other terms and conditions of employment

What is **collective bargaining?**



Collective bargaining (CB)



- **CB is enterprise-based.** Industry-based CB remains inexistent in the country
- May cover a single enterprise or a set of bargaining units within the same enterprise.
- There can be two more unions in a single enterprise or employer or bargaining unit. However, only one union may represent the entire unit for CV. This representative union is called the “**exclusive bargaining agent**”

Conditions that must be satisfied before CB Begins



Union must be legitimate, and registered under DOLE



Union must make a demand to bargain



Union must be the exclusive bargaining agent, through certification election or voluntary recognition

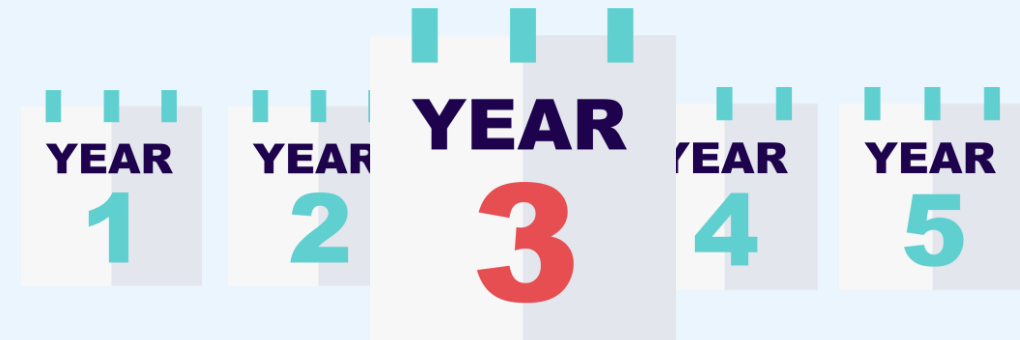


There must be no registered CB covering the same bargaining unit; if there is, bargaining must be done during the freedom period.

How long is a CBA contract effective?

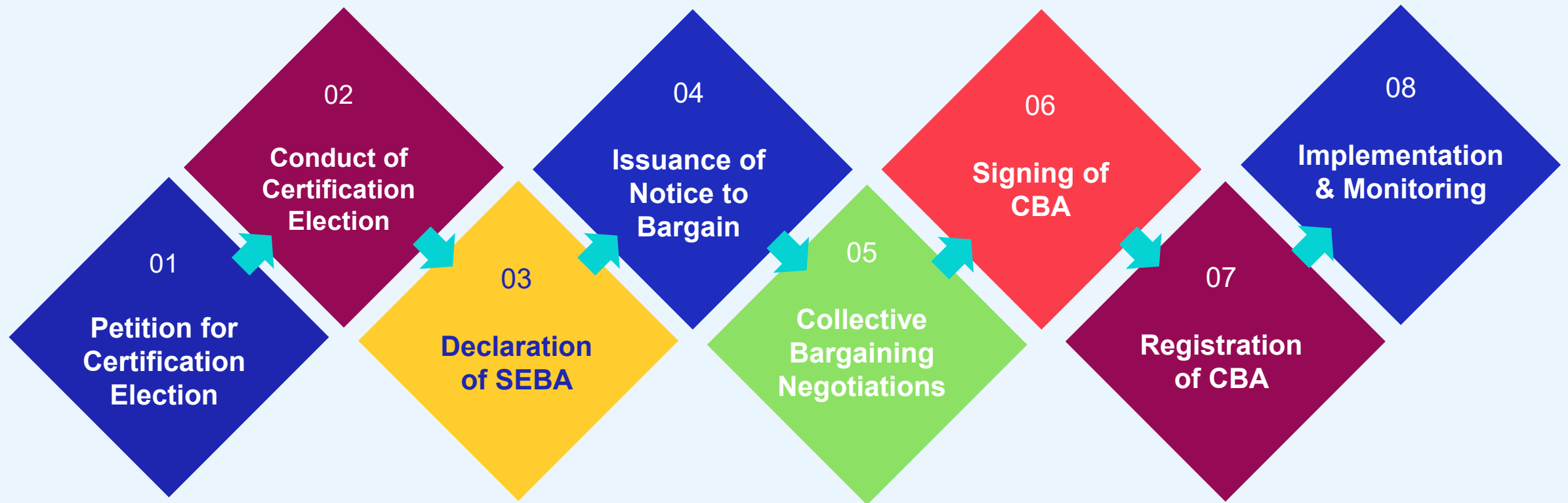


An **exclusive CB agent** has **five years** to represent the **members** of the bargaining unit



A CBA has a team of give years but may be renegotiated prior to the end of the **third year**.

How does the overall process of CB in the Philippines look like after valid registration of union?



How does the overall process of CB in the Philippines look like after valid registration of union?

01 Petition for certification election

A registered union files a petition with the DOLE Med-Arbiter to be recognized as the sole and exclusive bargaining agent (SEBA). (*Rule VIII, DOLE D.O. 43-03*)



02 Conduct of certification election

The DOLE Med-Arbiter reviews eligibility and orders an election. Voting is by secret ballot, supervised by DOLE.
(*Labor Code, Art. 259; Rule IX, DOLE D.O. 43-03*)

How does the overall process of CB in the Philippines look like after valid registration of union?

03 Declaration of SEBA

The union winning by majority vote is declared SEBA. Direct certification without election applies if only one union exists.
(Labor Code, Art. 260-261)



04 Issuance of notice to bargain

SEBA serves a formal notice to the employer, who must reply within 10 calendar days.
(Labor Code, Art. 261)

How does the overall process of CB in the Philippines look like after valid registration of union?

05 Collective bargaining negotiations

Parties negotiate wages, hours, and conditions in good faith. Deadlocks may be resolved by conciliation-mediation (NCMB), arbitration, or strike/lockout.

(Labor Code, Art. 261-265)



06 Signing of CBA

Upon reaching consensus, the CBA is signed by both parties.

(Labor Code, Art. 265)

How does the overall process of CB in the Philippines look like after valid registration of union?

07 Registration of CBA

Filed with the DOLE for official record.
(*DOLE D.O. 40-03, Rule XVII*)



08 Implementation & monitoring

Ensuring compliance with the terms of the CBA.
(*Labor Code, Art. 273-277*)

Salient points of policies in the public sector





Executive Order 180, Series of 1987, Providing Guidelines for the Exercise of Government Employees, Creating a Public Sector Labour-Management Council and for Other Purposes

The following comprise those who can form, join or assist employees' organizations, and also form labour-management committees, work councils and other forms of workers participation schemes:

- All employees in agencies of the national government and their regional offices, attached agencies and their regional offices.
- All employees in state universities and colleges.
- All employees in government-owned or controlled corporations with original charters.
- All employees in local government units



Civil Service Resolution No. 2, Series of 2004, CSC Amended Rules and Regulations Governing the Exercise of the Right of Government Employees to Organize,

- specifies which public sector employees are prohibited or restrained in forming, joining, assisting any employees' organizations for purposes of collective negotiations. Among them are the:
 - Members of the Armed Forces of the Philippines
 - Members of the Philippine National Police
 - Fire personnel
 - Jail guards
 - Other personnel who, by nature of their functions, are authorized to carry firearms, except when there is express written approval from management

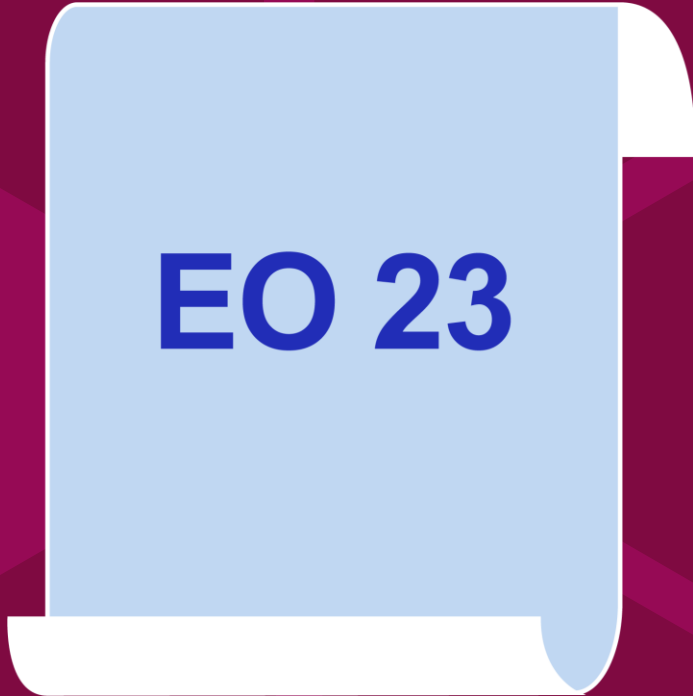
Civil Service Resolution No. 2, Series of 2004, CSC Amended Rules and Regulations Governing the Exercise of the Right of Government Employees to Organize,

Limitation for the purpose of collective negotiation:

- High level employees whose functions are normally considered as policy-making or manageria
- High level employees whose duties are of a highly confidential nature are not allowed to join the organization of rank-and-file government employees.
- Prohibition on Strike: Under national law, employees in the public sector may not engage in strikes.

Salient Points of Executive Order No. 23 (EO23)

2023 High-Level Tripartite Mission (HLTM) for more details on its recommendations), the Philippine Government issued on 30 April 2023 the Executive Order No. 23, constituting the Inter-Agency (IAC) for the Protection of the Freedom of Association and Right to Organize of Workers.



EO 23

This IAC is tasked to take all necessary measures in pursuit of four specific areas of action outlined as follows under Section 2 of EO 23:

Consolidate and evaluate reports from concerned agencies under Section 3, and submit to the President a comprehensive report on findings, recommendations, and actions taken to implement [EO 23] effectively.



Develop a roadmap outlining priority actions, deliverables, responsibilities, and timeframes based on HLTM recommendations, subject to regular review and informed by agency reports and stakeholder inputs.



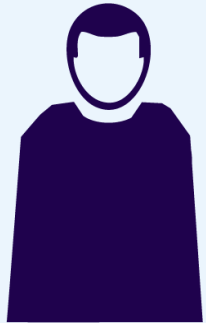
Perform other functions as the President may direct to achieve the EO's objectives.



Monitor implementation progress and ensure close coordination among agencies for prompt and impartial investigation, prosecution, and resolution of cases concerning workers' freedom of association and right to organize.

EO 23 IAC

The IAC, which is also mandated to **foster the exercise of workers' freedom of association and the rights to organize and to bargain** with full regard to human, civil, political, economic and social rights and liberties



Chairperson:
Executive Secretary



Vice Chairperson:
Department of Labor and Employment



Secretariat:
Department of Labor and Employment

Members:



Department of Justice



Philippine National Police



Department of Interior and Local Government



Department of Trade and Industry



Department of National Defense



National Security Council

BOX 1

2023 HLTM recommendations

High Level Tripartite Mission

A High-Level Tripartite Mission (HLTМ) was held in January 2023, **focusing on addressing red-tagging and extra-judicial killings (EJKs) against trade union leaders and members.** The mission emphasized thorough investigation and prosecution to end the climate of impunity.

Key Recommendations



- Ensure greater coordination and consistency among government bodies to protect freedom of association; consider a presidentially mandated body for coordinated action and accountability.



- Engage social partners to address concerns raised by CEACR and CAS; finalize a roadmap before June 2023 ILC to prevent future violations, with agreed timelines.



- Establish a single presidentially mandated body to address all alleged labour-related EJKs and abductions, focusing on investigation, prosecution, and accountability.

Key Recommendations



- Set up a specialized, independent, non-judicial body to review cases, collect testimony, and propose compensation.



- Strengthen NTIPC-MB's role and adopt improvements to ensure rapid and effective protection for trade unionists facing threats.



- Fully implement all previous recommendations.

Salient points of the 2024 Omnibus Guidelines on the exercise of FOA and civil liberties

Involves almost the similar set of national government agencies constituting the IAC under AO 35-2012 and under EO 23, Series of 2023,



Supersedes...

- Joint DOLE-PNP-PEZA Guidelines in the Conduct of PNP Personnel, Economic Zone Police and Security Guards, Company Security Guards and Similar Personnel During Labor Disputes (issued on 23 May 2011); and the
- Guidelines on the Conduct of DOLE, DILG, DND, DOJ, AFP and PNP Relative to the Exercise of Workers Rights and Activities (issued on 07 May 2012).

It updates and streamlines the functions and responsibilities of the different concerned agencies relative to the exercise of FOA



Government Agencies



Department of Labor and Employment (DOLE)



Department of Interior and Local Government (DILG)



Department of Justice (DOJ)



Department of National Defense (DND)



Department of Trade and Industry (DTI)



Armed Forces of the Philippines (AFP)



Philippine National Police (PNP)



National Security Council (NSC)



National Task Force to End Communist Armed Conflict (NTF-ELCAC)



DOLE

Administration and enforcement of labour laws and resolution of labour disputes, particularly those related to freedom of association and the rights to organize and to bargain collectively, are within the sole jurisdiction of DOLE and its attached agencies, pursuant to the Labor Code of the Philippines, as amended, and Book IV, Title VII of the Administrative Code of 1987. The DOLE is the sole agency responsible for labour education involving workers and employers in the private sector.



DILG

The exercise of general supervision over local governments and the mandate of ensuring autonomy, decentralization and community empowerments is within the sole jurisdiction of the DILG pursuant to Book IV, Title XII of the Administrative Code of 1987. Matters involving peace and order and law enforcement are under the jurisdiction of the DILG through the PNP pursuant to Section 24 of Republic Act No. 6975, “Department of Interior and Local Government Act of 1990”, as amended by Republic Act No. 8551, “Philippine National Police Reform and Reorganization Act of 1998.”



IPA PEZA

Maintenance of peace and order within the economic zone[s] or freeport area[s] is lodged with the concerned IPAs [Investment Promotion Agencies], in accordance with their mandate or charter.



DND

Guarding against external and internal threats to national peace and security, and providing support for social and economic development shall be within the jurisdiction of the DND pursuant to Section 15, Chapter I, Subtitle II, Title VIII, Book IV of the Administrative Code.



Under the supervision and control of the DND, protection of the people and the State, and securing the sovereignty of the State and the integrity of the national territory are under the jurisdiction of the AFP pursuant to Article II, Section 3 of the 1987 Philippine Constitution.



Coordination in the formulation of policies relating to or with implication on national security is under the authority of the National Security Council pursuant to Section 3, Chapter 2, Subtitle I, Title VIII, Book IV of the Administrative code of 1987.



NTF-ELCAC

Consistent with the mandates of the aforementioned agencies, coordination of activities to implement the Whole-of-Nation approach in defeating the local communist terrorist group and attaining inclusive and sustainable peace throughout the Philippines is under the authority of the NTF-ELCAC pursuant to Executive Order No. 70.



DOJ

Prosecution of cases arising out of or related to a labour dispute shall be within the jurisdiction of the DOJ as the prosecution arm of the government, pursuant to Book IV, Title III of the Administrative Code of 1987 subject to prior clearance from the DOLE and/or Office of the President and as provided for in DOJ Circular No. 15, Series of 1982, and DOJ Circular No. 9, Series of 1986, and DOJ Department Circular No. 009, Series of 2023.

Reforms in the labour code concerning the rights to self organization (R.A. 9481)

In 2007, Republic Act No. 9481 was enacted, providing for the strengthening of the workers' right to self-organization and amending P.D. 442 or the Philippine Labor Code, as amended. Among the Labor Code provisions amended by R.A. 9481 are as follows:





Article 234

Requirements of Registration, which now consist of:

- Fifty (P50.00) registration fee;
- The names of its officers, their addresses, the principal address of the labor organization, the minutes of the organizational meetings and the list of the workers who participated in such meetings;
- In case the applicant is an independent union, the names of all its members comprising at least twenty percent (20%) of all the employees in the bargaining unit where it seeks to operate;



Article 234

Requirements of Registration, which now consist of:



If the applicant union has been in existence for one or more years, copies of its annual financial reports; and



Four copies of the constitution and by-laws of the applicant union, minutes of its adoption or ratification, and the list of the members who participated in it.

providing for the strengthening of the workers' right to self-organization and amending P.D. 442 or the Philippine Labor Code, as amended.



Republic Act no. 9481: cancelation of registration

The certificate of registration of any legitimate labor organization, whether national or local, may be cancelled by the Bureau, after due hearing, only on the grounds specified in Article 239 hereof."



Article 239: Grounds of cancelation of union registration

- Misrepresentation, false statement or fraud in connection with the adoption or ratification of the constitution and by-laws or amendments thereto, the minutes of ratification, and the list of members who took part in the ratification;
- Misrepresentation, false statements or fraud in connection with the election of officers, minutes of the election of officers, and the list of voters; and
- Voluntary dissolution by the members.

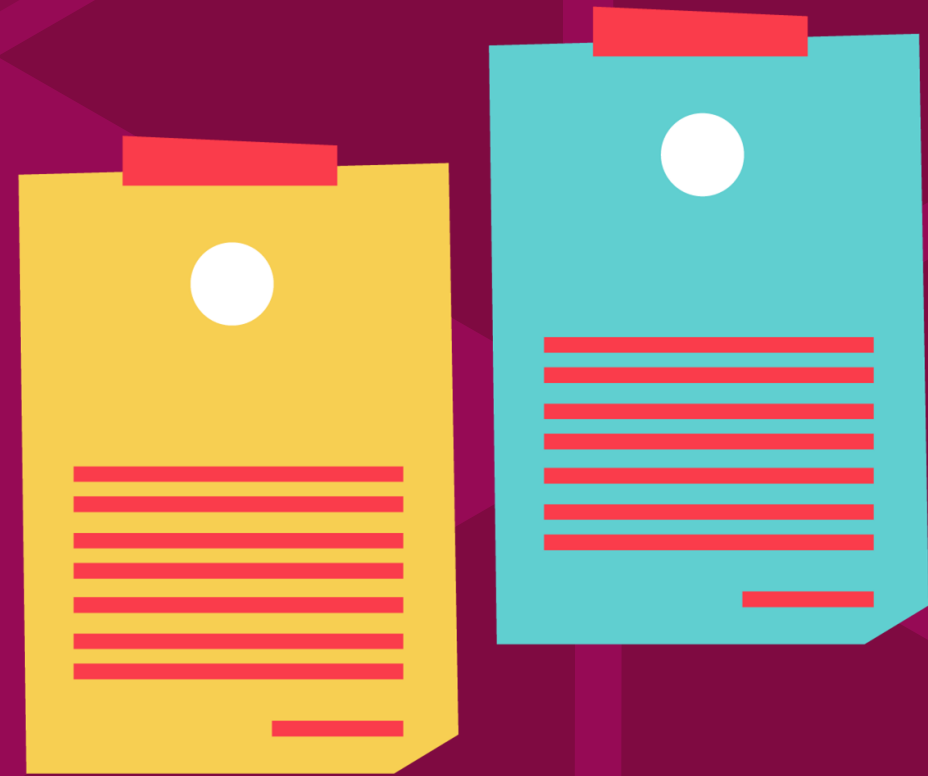


Article 245. Ineligibility of Managerial Employees to Join any LaAbor Organization; Right of Supervisory Employees

“... Managerial employees are not eligible to join, assist or form any labor organization. Supervisory employees shall not be eligible for membership in the collective bargaining unit of the rank-and-file employees but may join, assist or form separate collective bargaining units and/or legitimate labor organizations of their own. The rank and file union and the supervisors' union operating within the same establishment may join the same federation or national union.”

Section 8 of R.A. 9481

New Provisions





Article 241. [234-A] Chartering and Creation of a local chapter

“... A duly registered federation or national union may directly create a local chapter by issuing a charter certificate indicating the establishment of the local chapter. The chapter shall acquire legal personality only for purposes of filing a petition for certification election from the date it was issued a charter certificate.

The chapter shall be entitled to all other rights and privileges of a legitimate labor organization only upon the submission of the following documents in addition to its charter certificate



Article 241. [234-A] Chartering and creation of a local chapter

Documents needed:

- a. **The names of the chapter's officers, their addresses, and the principal office of the chapter;** and
- b. The **chapter's constitution and by-laws**: *Provided*, That where the chapter's constitution and by-laws are the same as that of the federation or the national union, this fact shall be indicated accordingly.

The additional supporting requirements shall be certified under oath by the secretary or treasurer of the chapter and attested by its president."

Section 2 of R.A. 9481



Article 246. [238-A] Effect if a petition for cancellation of registration

“... A petition for cancellation of union registration shall not suspend the proceedings for certification election nor shall it prevent the filing of a petition for certification election.

In case of cancellation, nothing herein shall restrict the right of the union to seek just and equitable remedies in the appropriate courts.”

Section 4 of R.A. 9481



Article 248. [239-A] Voluntary cancellation of registration

"... The registration of a legitimate labor organization may be cancelled by the organization itself. *Provided*, That at least two-thirds of its general membership votes, in a meeting duly called for that purpose to dissolve the organization: *Provided, further*, That an application to cancel registration is thereafter submitted by the board of the organization, attested to by the president thereof."

Section 6 of R.A. 9481



Article 256. [245-A] Effect of inclusion as members of employees outside the bargaining unit

"... The inclusion as union members of employees outside the bargaining unit shall not be a ground for the cancellation of the registration of the union. Said employees are automatically deemed removed from the list of membership of said union."

Section 9 of R.A. 9481



Article 271. [258-A] Employer as bystander

“... In all cases, whether the petition for certification election is filed by an employer or a legitimate labor organization, the employer shall not be considered a party thereto with a concomitant right to oppose a petition for certification election. The employer's participation in such proceedings shall be limited to: (1) being notified or informed of petitions of such nature; and (2) submitting the list of employees during the pre-election conference should the Med-Arbiter act favorably on the petition.”

Section 12 of R.A. 9481



Article 252. [242-A] Reportorial requirements

“The following are documents required to be submitted to the Bureau by the legitimate labor organization concerned:



Its constitution and by-laws, or amendments



Its list of officers, minutes of the election of officers, and list of voters within thirty (30) days from election;

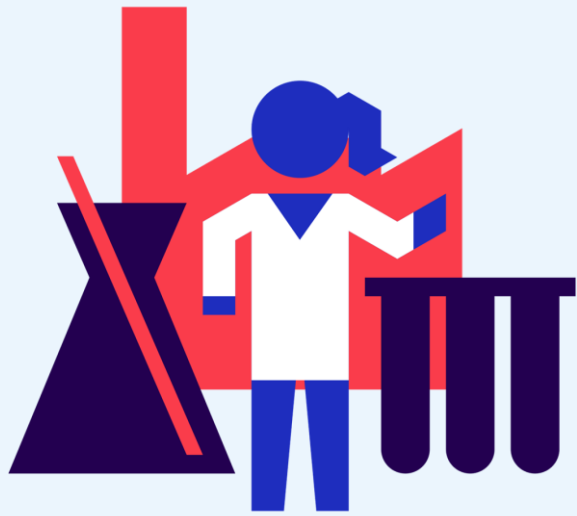


Its annual financial report within thirty (30) days after the close of every fiscal year; and



Its list of members at least once a year or whenever required by the Bureau.

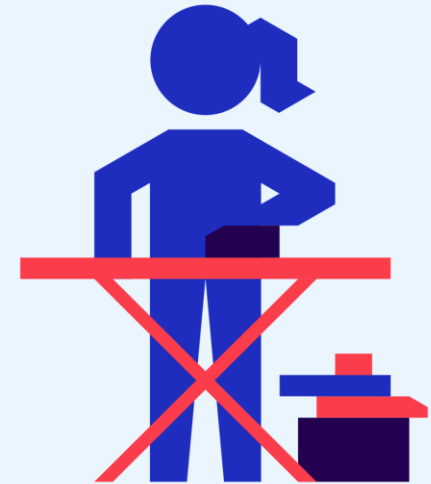
Other national laws and policies on the exercise of FOA



Republic Act 9710
Magna Carta of Women

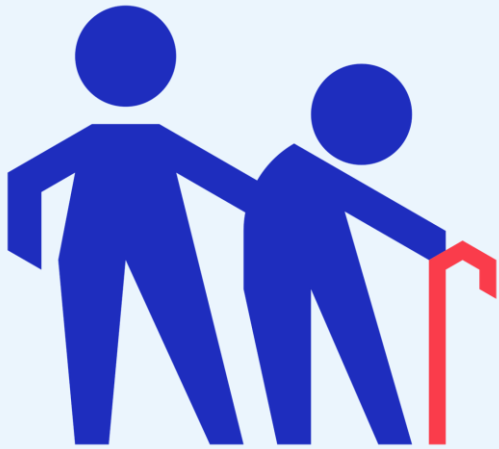


Republic Act No. 11036
Mental Health Act



Republic Act No. 10361
Batas Kasambahay -

Other national laws and policies on the exercise of FOA



Republic Act No. 7277
**Magna Carta for
Disabled Persons**



Republic Act No. 11058
**Occupational Safety
and Health Law**

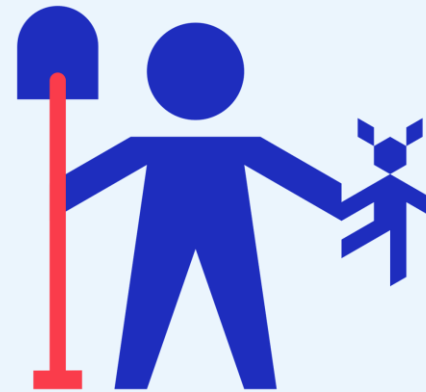


Republic Act No. 11314
**Safe Spaces Act (*Bawal
Bastos Law*)**

Other national laws and policies on the exercise of FOA



Republic Act No. 7305
**Magna Carta of Public
Health Workers**



Republic Act 9231
**An Act Providing for the Elimination of
the Worst Forms of Child Labor and
Affording Stronger Protection for the
Working Child.**

Other national laws and policies on the exercise of FOA

Resolutions by the Public Sector Labor-Management Council (PSLMC)

- Administration of an employees' organization (Rule III);
- Election of officers of employees' organization and national employees' organization (Rule IV);
- Establishment of Employees' Organization Transition Group (EOTG) (Rule V);
- Registration of employees' organization and national employees' organization (Rule VI);
- Merger and consolidation of employees' organizations or national employees' organizations (Rule VII);
- Change of name of employees' organization or national employees' organization (Rule VIII);
- Reportorial requirements of organization (Rule IX);
- Modes of dissolution (Rule X);

Other national laws and policies on the exercise of FOA

Resolutions by the Public Sector Labor-Management Council (PSLMC)

- Modes of determination of the sole and exclusive negotiating agent (Rule XI);
- Conduct of certification election (Rule XII);
- Run-off elections (Rule XIII);
- Collective negotiations (Rule XIV);
- Registration of Collective Negotiation Agreements (Rule XV);
- Dispute resolution arising from interpretation of the CNA (Rule XVI);
- Central registry of employees' organizations and CNAs (Rule XVII);
- Unfair labor-management/employees' organization practices (Rule XVIII);
- Intra-employees' organization disputes (Rule XIX);
- Conciliation services (Rule XX);
- Jurisdiction (Rule XXI); and
- Proceedings before the council (Rule XXII).

Other national laws and policies on the exercise of FOA

DILG Memorandum Circular No. 2023-102

Regional and field offices, and the Office of the Chief of the PNP and field offices, among others, to adopt measures for the promotion and protection of freedom of association and the right to organize and to collective bargaining, in line with national laws and regulations and international standards.



(1) undertake any measure/s to strengthen programs, projects and activities that effectively address issues related to FOA, workers' rights and collective bargaining;

Other national laws and policies on the exercise of FOA

DILG Memorandum Circular No. 2023-102



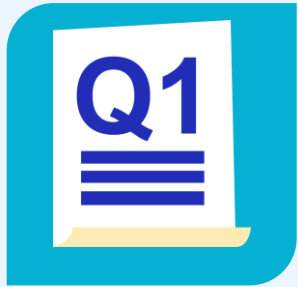
(2) **urge relevant stakeholders** to take proactive steps in promoting and protecting fundamental labor rights;



(3) **conduct comprehensive education and capacity-building programs** and communication plan to promote common understanding within and among all concerned agencies of the principles, policies, laws and regulations on FOA, and the rights to self-organization and collective bargaining; and

Other national laws and policies on the exercise of FOA

DILG Memorandum Circular No. 2023-102



(4) submit quarterly reports on any community-based programs and/or initiatives of the LGUs affecting trade unions, employers, and workers in the country.



Recap exercises

1. Under the 2024 Omnibus Guidelines on the Exercise of FOA and Civil Liberties, this is the government agency/unit with the sole jurisdiction over the administration and enforcement of labour laws and and resolution of labour disputes, particularly those related to freedom of association and the rights to organize and to bargain collectively.

- a) DILG
- b) PEZA
- c) DOLE

TRUE OR FALSE

2. The right of government employees to organize extends beyond the formation of unions or associations, therefore including the right to strike.

3. Which of the following acts relative to FOA can be considered NOT prohibited under existing laws, policies and rules?

- a) Excluding certain kinds or groups of workers from the exercise of right to organize based on the nature of their functions
- b) Making the employment of worker subject to the condition that he/she does not join a union or relinquish membership thereof
- c) Granting financial support to place the union under the control of the employer

4. All of the following can form or join unions or workers' associations except for:

- a) Teachers
- b) Police officers
- c) Non-managerial government employees

TRUE OR FALSE

5. Temporary government workers cannot organize.



Recap exercise

Answer keys

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