



What Is This Module About?

This module aims to inform you of your rights and responsibilities as a worker. If you are working right now, you can immediately use the knowledge that you will gain here in your work. If you are not yet working, this will guide you once you do start working.

What are your rights as a worker? What do these rights cover? How can you enjoy these rights without going over the limit? What are the corresponding responsibilities for every right that workers enjoy? In what situations should you assert your rights?

These are the questions that this module will answer. It will present case studies that will help clarify the issues concerning violations against the rights of workers. This will also give you ideas on how you can safeguard your rights as a worker.

This module contains two lessons:

Lesson 1 – *Basic Rights of Workers*

Lesson 2 – *Other Rights of Workers and Their Responsibilities*



What Will You Learn From This Module?

After studying this module, you should be able to:

- ◆ identify your rights and responsibilities as a worker;
- ◆ describe applicable labor laws upholding worker's rights; and
- ◆ analyze and explain certain cases and issues related to workers' rights.



Let's See What You Already Know

How much do you know about your rights and responsibilities as a worker?

- A. Read the situations below. Write **S** in the blank before each number if you think that the worker's right was **supported** and write **V** if it was **violated**.

- _____ 1. Marilyn is a marketing officer in a company that distributes beer. This position used to be given to male employees only, since the work requires the employee to go around his assigned area of work. Now that female workers like Marilyn have proven their competitiveness and efficiency in this field, they are now able to work for this position. They earn the same wage and have the same benefits as the male workers/employees. They also receive opportunities for growth through training and seminars.
- _____ 2. When sisters Lourdes and Mila started working in a tobacco company, the employer asked them to sign an agreement that they will not join any labor organization.
- _____ 3. Aling Meding works as a sewer for a garment factory. Her employer often asks her to work beyond the normal eight hours of work. This is because they often need to meet the deadline set by their customers. Aling Meding receives payment for her extra hours of work.
- _____ 4. Roberto accidentally cut his thumb while cutting papers at the printing press. His co-workers covered it with a rag to stop it from bleeding since there was no cotton or gauze available. They also didn't know how to administer first aid. Roberto's thumb was bleeding badly before he was brought to the hospital.
- _____ 5. The huge clock in the office of the supervisor was missing. The company's security officers found the missing clock hidden among the personal things of the janitor. He was immediately investigated and asked to explain why the clock was among his possessions. He was not able to give a valid excuse. After going through the legal procedure, the management terminated his services.

B. Identify what worker's right and labor laws are described in the statements below. Write your answer on the blank space provided.

6. This right refers to workers' participation in grievance procedures and voluntary modes of settling disputes.

7. An employee must be free to express or complain to his/her employer about unsatisfactory working conditions or insufficient wages and benefits.

8. In order to protect and uphold the dignity of every individual, this law declares any form of sexual harassment in the workplace unlawful.

9. The employees/workers shall not be terminated without just or authorized causes.

10. This code or decree aims to protect workers by providing laws to promote full employment, to ensure equal work opportunities and regulate the relations between workers and employers.

Well, how was it? Do you think that you fared well? Compare your answers with those in the *Answer Key* on page 36.

If all your answers are correct, very good! This shows that you already know much about the topic. You may still study this module to review what you already know. Who knows, you might learn a few more new things as well.

If you got a low score, don't feel bad. This means that the module is for you. Through this module, you will understand some important concepts that you can use in your everyday life. If you study this module carefully, you will learn the answers to all the items in the test and a lot more! Are you ready?

You may now go to the next page to begin Lesson 1.

Basic Rights of Workers



Have you ever experienced losing a job? How did it feel? I am sure that the experience brought untold pain and misery to you and your family. Are you receiving a just wage or salary? Is it enough to meet the needs of your family? Were you aware that security of tenure and receiving just wages and benefits are some of the basic rights of workers? These rights are provided for in the Philippine Constitution and the Labor Code of the Philippines. Because the government recognizes labor as a major economic force, it provides policies to protect the rights of the workers. Yet there are still many cases of workers' rights being violated. To remedy this situation, as a worker you need to be alert in safeguarding your rights.

In this lesson, you will learn about your rights as a worker and laws that uphold these rights.

After completing this lesson, you should be able to:

- ◆ identify and explain your basic rights as a worker; and
- ◆ cite laws that uphold your rights.



Let's Study and Analyze

Read the portion of the Constitution on the rights of workers below. Find out what rights of workers it upholds. Write your answers in the spaces provided below.

CONSTITUTION OF THE REPUBLIC OF THE PHILIPPINES

Article II – Declaration of Principles and State Policies

Section 1. The Philippines is a democratic and republican State. Sovereignty resides in the people and all government authority emanates from them.

State Policy regarding labor

Section 18. The State affirms **labor as a primary social economic force**. It shall protect the **rights of workers and promote their welfare**.

Article XIII – Social Justice and Human Rights Labor

Section 3. The State shall afford **full protection to labor, local and overseas, organized, and promote full employment and equality of employment opportunities for all**. It shall **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 the law**. They shall be entitled to **security of tenure, human condition of work and living wage**. They shall also **participate in policy and decision-making processes affecting their rights and benefits** as may be provided by law.

The State shall promote the principle of **shared responsibility** between **workers and employers** and the preferential **use of voluntary modes in settling disputes**, including compliance therewith to foster industrial peace.

The State shall regulate the relation between workers and employers, recognizing the rights of labor to its just share in the fruits of production and the **right of enterprises to reasonable returns on investments, and to expansion and growth**.

1. What are the rights of the workers that our constitution upholds?

2. What do you think is the importance of workers in our society? Why is there a need to protect them by providing policies in our constitution?

Compare your answers with those found in the *Answer Key* on page 37.



Let's Think About This

Aside from the policies in our constitution that were already discussed, what law or laws provide for the protection of the workers? Who are considered as workers?

Try to reflect on your answers to these and then read the answers below.

Article 3 of the Labor Code states:

“The State shall afford protection to labor, promote full employment, ensure equal work opportunities regardless of sex, race or creed, and regulate the relations between workers and employers. The State shall assure the rights of workers to self-organization, collective bargaining, security of tenure, and just and human conditions of work.”

Who are considered as workers? Workers include fishermen, butchers, farmers, messengers, managers, secretaries, accountants, carpenters and others. Under Article 13 of the Labor Code, a worker is defined as “any member of the labor force, whether employed or unemployed.”

What are examples of the rights of a worker? What situations or cases show that they are upheld or violated in the workplace? Read on to learn the answers.



Let's Read

Read the conversation between Myrna and Nadia below. They are discussing some workers' rights.



Nadia: Myrna, are you still on leave?

Myrna: I am not working in the factory anymore.

Nadia: Have you resigned from your work?

Myrna: No, I was dismissed. The manager wanted me to report after a month of my delivery. I simply can't because my baby is weak.

Nadia: But you have a valid reason to continue your maternity leave. Your baby has a serious health condition. And under the Labor Code, female employees/workers are given 60 days maternity leave after giving birth.

Myrna: I have reminded them of that. I even begged them not to dismiss me.

Nadia: But they cannot just fire you while you are on leave. You have been working in that factory for two years. That's unfair! Now, what are you going to do? Why don't you file a case against them? Don't just take it sitting down.

Myrna: Do I have the right to do that?



Let's Think About This

1. Does the manager have the right to dismiss Myrna? Why or why not?
2. Which of the rights of a worker has the manager violated in this particular case?

To learn the answers, read this:

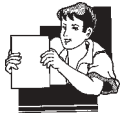
When you have a newborn or newly adopted baby, or when a loved one is seriously ill, your most important job may be at home rather than at work.

Article 133 of the Labor Code of the Philippines provides pregnant women with maternity leave benefits. Under this law, a woman employee who has worked for the same employer for at least 6 months for the last 12 months, may be given a leave. Such leave may be at least 2 weeks before the expected delivery date and 60 days after normal delivery. Those who give birth by caesarian section are given 75 days to recover from the operation.

The maternity leave shall be extended without pay on account of illness arising from pregnancy, delivery, abortion or miscarriage which renders the woman unfit for work. If she has earned unused leave credits, then such extended leave may be charged against them.

In the case of Myrna, she was dismissed while she was still on maternity leave. Under Article 137 (Prohibited Acts) this act is unlawful. Employers are prohibited from dismissing female workers/employees on account of pregnancy, or while on leave or in confinement due to her pregnancy. When the company forced Myrna to return to work, she was being denied her maternity leave. This is a violation of her **right to receive just wages and benefits.**

What is wage? What are the benefits that the workers should receive? Read the explanation of Nadia, Myrna's friend.



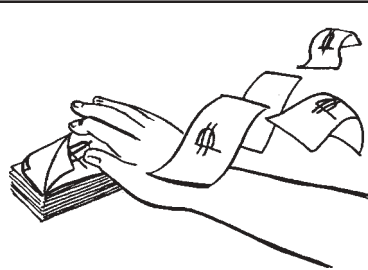
Let's Learn

Read and find out about the different types of pay and benefits a worker is entitled to.

Hello! I am Nadia Sta. Maria. I work at the personnel department of a private company where I process the wages and benefits of our employees.



Workers/employees have the right to receive a satisfactory wage for the work or service that they have rendered.

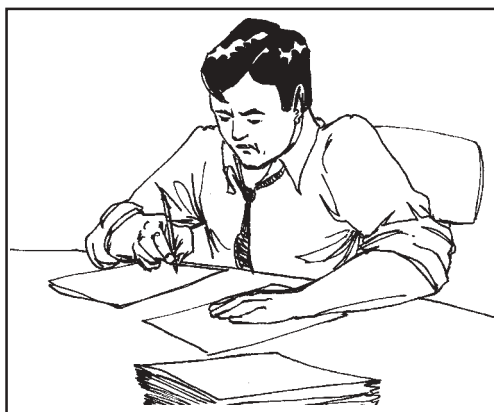


“Wage is earning capable of being expressed in terms of money. It is payable by an employer to an employee under a written or unwritten contract of employment for work done or to be done. It is supposed to be of fair and reasonable value as determined by the Secretary of Labor.” (Articles 97-98 of the Labor Code)

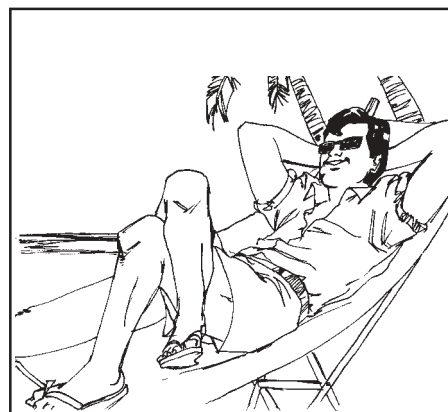
An employee or worker is entitled to the following benefits:

Regular Workers are entitled to the following benefits:

1. Wage-related (or Income) benefits



Overtime pay



Service incentive leave

Overtime pay is pay given for service or work performed that shall exceed the regular eight hours of work. **Service incentive leave** is a 5-day leave with pay given every year after one year of service.

Holiday pay is a day's pay given by law to an employee even if he/she does not work on a regular holiday. If the worker comes to work on the regular holiday, she earns extra pay equivalent to his/her regular rate. (Arts.94-96)

These are the holidays observed in both government and private workplaces. An employee receives pay on these days even if he/she does not report to work.

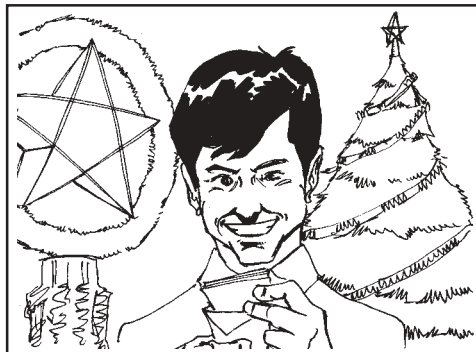
Regular Holidays:

New Year's Day	January 1
Maundy Thursday	(movable date)
Good Friday	(movable date)
Araw ng Kagitingan	April 9
Labor Day	May 1
Independence Day	June 12
National Heroes Day	Last Sunday of August
Bonifacio Day	November 30
Christmas Day	December 25
Rizal Day	December 30

Special Holidays:

All Saints Day	November 1
Last Day of the Year	December 31

13th - month pay - Employees/workers who have rendered service or work for at least one month for the same employer are entitled to receive an amount equivalent to one-month pay. The employer must pay the employee not later than December 24 of every year. (13th-month law or PD 851)



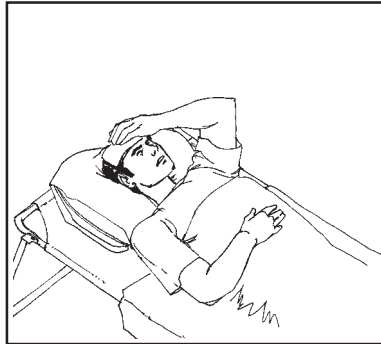
13th-month pay

2. Social Security Service (SSS) benefits

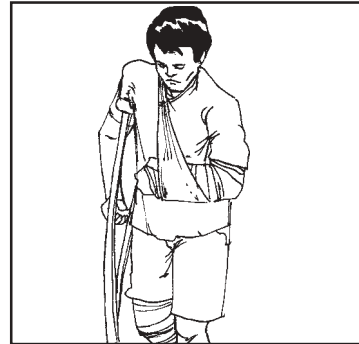
The Social Security Service (SSS) was created under Republic Act 1161. The act requires that all employees/workers in the private sector throughout the country contribute fixed and regular contributions to the SSS. (Government employees are covered by the Government Service Insurance System or GSIS.) Look at the pictures on the next page. These are the benefits that workers can avail of under the SSS (or GSIS for government employees).



Maternity



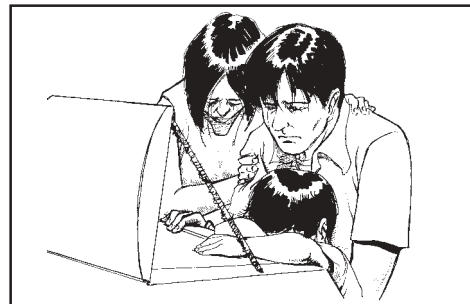
Sickness



Disability



Retirement



Death and Pension

3. **Employees Compensation Commission (ECC) benefits**

For illnesses, injuries and deaths that are work-related, compensation shall be given by the ECC. These include disability, rehabilitation, death and funeral benefits.

For additional information regarding this topic, read the NFE A&E module entitled, *Workers' Wages and Benefits*.



Let's Try This

- A. Written in the box below are different dates signifying regular and special holidays in the Philippines. Write the appropriate regular or special holiday for each date.

April 9	_____
November 30	_____
November 1	_____
May 1	_____
June 12	_____

B. List down four (4) wage-related benefits.

C. In the story presented on pages 6–7, Myrna’s termination was illegal because she was on leave. What are the grounds for dismissing or terminating the services of an employee/worker?

For questions A and B, you may compare your answers with those found in the *Answer Key* on page 37. To learn the answer to question C, read the case studies below and the succeeding discussions.



Let’s Study and Analyze

Study and evaluate the different case studies below.

1. A security guard was caught punching in, not only his own time card, but also those of two other employees. Upon further inspection of their time cards, it was found out that they falsified some of the entries. Their time cards showed that they reported for work on February 19 and 23 although they were absent during these dates.

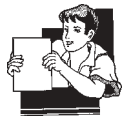
What is the offense committed by the workers? Can this qualify as a just cause for terminating them? Why?

2. Fidel works for a canning factory. His job involves manually attaching labels on the company’s products. On January 1999, the factory purchased a machine that will automatically attach labels on the products. This made the whole process more efficient and faster. The machine performed the job that was usually done by 15 people. As a result, Fidel and his other co-workers were dismissed from the factory.

Is there a valid reason for dismissing Fidel and his co-workers? Will he receive a compensation for this?

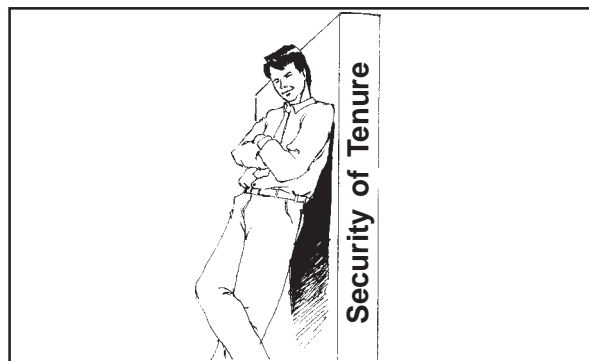
Compare your answers with those found in the *Answer Key* on pages 37–38.

What is a just cause? What is an authorized cause? What are the grounds for terminating or dismissing employees or workers? Continue reading the discussion on workers' rights.



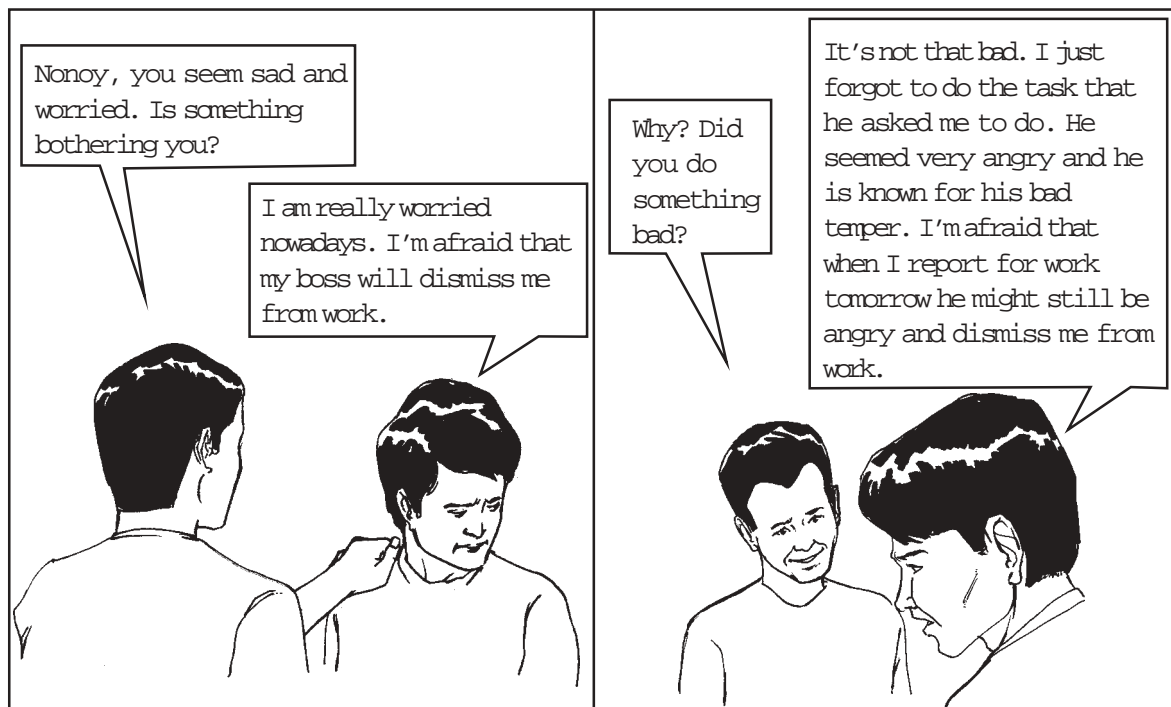
Let's Learn

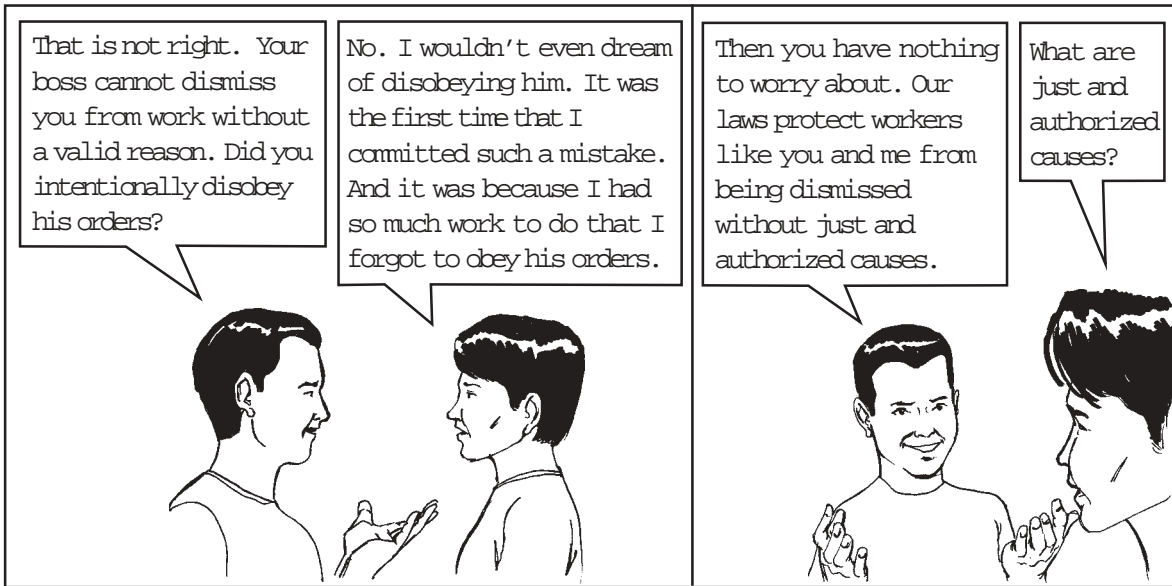
Workers cannot be dismissed without just and authorized causes. This is in keeping with the workers' **right to security of tenure**. **Tenure** is a term which means keeping an employee in his/her position and protecting him/her from being dismissed without a valid reason.



In cases of regular employment, the employer shall not terminate the services of an employee except for a just cause or when authorized by law. (Art. 279 Labor Code)

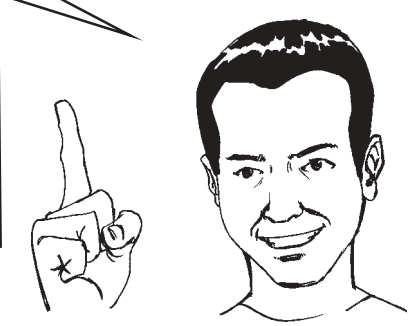
Read the conversation below to learn about the just and authorized causes for dismissing employees.





An employer may terminate an employee for any of the following just causes:

1. serious misconduct or willful (intentional) disobedience
2. gross and habitual (done frequently) neglect by the employee of his duties
3. fraud or dishonesty and loss of confidence
4. committing a crime or offense
5. other causes similar to those given above



An employee may be dismissed or terminated for any of the following authorized causes:

- a. Installation of labor-saving devices – The company may buy devices or machineries that will help speed up production and thereby perform the tasks usually done by some workers.
- b. Redundancy – A redundant position may be the outcome of over hiring of workers, decreased volume of business, dropping of a particular product line or service and others.
- c. Retrenchment to prevent losses – An employer may retrench or terminate employees to avoid or minimize business losses.
- d. Closing or cessation of operation of the establishment or undertaking, unless the closing is for the purpose of circumventing the provisions of law. A company which suffered from financial losses and as a result, has to close or stop the operation of its business, may terminate its employees.



Let's Try This

How well do you understand our discussion? Answer the following questions:

1. Under the collective bargaining agreement between PHIL ALE and the union, a regular employee with at least one (1) year of continuous service is entitled to a sick leave for a period of 15 days. The employee may avail of the sick leave provided that he presents a medical certificate to the company.

Employee Menandro, is always absent. Whenever he is absent because of illness, he doesn't submit a notification or a medical certificate. Instead he shows up the next day with various explanations. The manager verbally warned him of his absences and its possible consequence on his employment. Finally, on February 12, 2001, after he had obtained 20 absences in a span of six months, the manager informed him of his dismissal.

Is there a just cause for dismissing Menandro? What is this just cause?

2. KPF Sportswear Inc., manufactures and exports ready-to-wear garments which they regularly ship to Canada. In June of 1999, Canada passed a policy which temporarily stopped the importation of garments from other countries. KPF was one of the companies that was affected. As a result, it had to temporarily lay-off 20 of its 40 employees. The employees protested this move of the company and brought the case to the National Labor Relations Commission.

Did the company violate the rights of its workers? Is there a just cause for the lay-off?

3. Mr. Chi, the producer of TLX Movies noticed that the envelope containing a large amount of money in his drawer is missing. He asked the people in his office who among them took the money. Nobody admitted taking the money. When Mr. Chi threatened to dismiss all the employees, one of them informed him that he saw the production assistant going near his table. Mr. Chi then confronted the production assistant. Even if the production assistant denied that he took the money, Mr. Chi still terminated his services.

Is there a valid reason for terminating the production assistant? Why or why not?





Have you finished answering these exercises? If so, compare your answers with those in the *Answer Key* on page 38.

In our last activity, you learned that the termination of the production assistant is unlawful or illegal. This is because the producer of TLX Movies did not follow due process in terminating/dismissing employees. What is due process? What is the process that the employers must follow in dismissing employees? Read the dialogue below to find out.




Let's Read

At the house of Jose and Meling ...

<p>Jose, aren't you going to work in the factory today?</p> <p>I no longer work in the factory, Meling. I was fired.</p> 	<p>Good Lord! Why were you fired?</p> <p>I had a heated argument with one of my co-workers. It eventually led to a fistfight. We were then pacified.</p> 
<p>After that, the supervisor called us to his office. He said that we disrupted the operations of the factory. He also told us that we should start looking for another job.</p> 	<p>That is really bad. But don't you know that the supervisor cannot fire you without observing the due process?</p> <p>What is due process?</p> 

The worker's right to due process is also provided for in the Constitution. It orders that "no person shall be deprived of life, liberty or property without due process of law." **One's job or work is considered as one's property.** Therefore, one cannot be deprived of it without observing the proper legal procedure.

In deciding to dismiss or terminate an employee, the employer must follow this procedure:



Step 1 – Observe the worker's right to security of tenure – No worker shall be dismissed except for a just and authorized cause. Is there a just or authorized cause for dismissing the employee? The employer would know through a proper investigation.

Step 2 – Serve a notice of dismissal. A written notice of dismissal shall be served to the employee stating the particular acts or omission constituting the grounds for his/her dismissal.

Step 3 – Conduct an investigation and a hearing. The employer shall give the worker a chance to answer the charges and defend himself/herself. If he/she wishes, he/she can get the assistance of a legal representative.

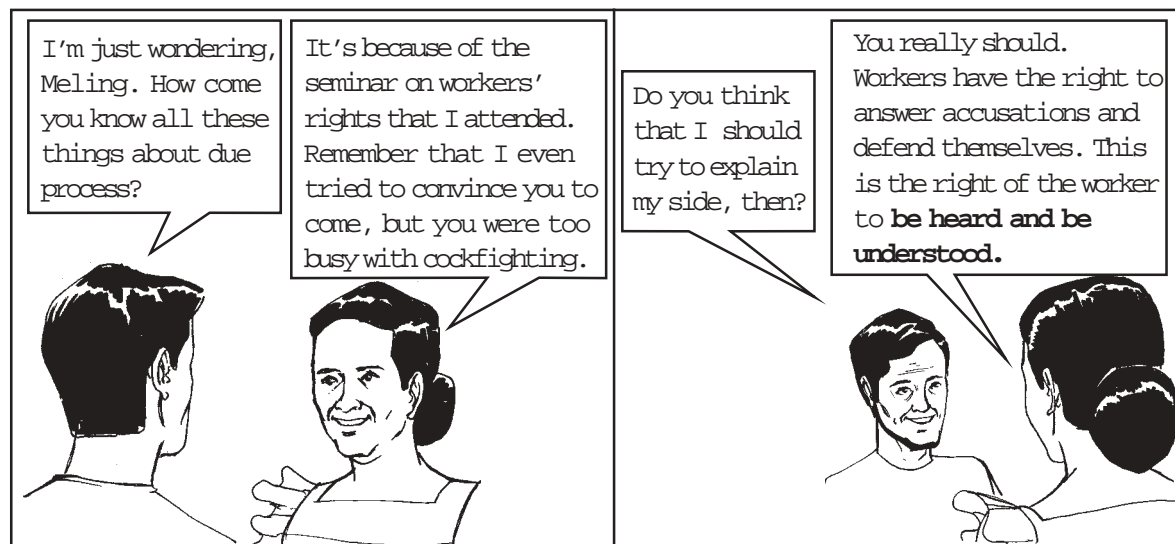
Step 4 – Decision to dismiss. The employer will inform the employee in writing of his/her decision to dismiss the said employee.

Step 5 – The worker should be given the right to contest the dismissal. The employee has the right to contest the legality or validity of the dismissal by filing a case at the regional branch of the National Labor Relations Commission (NLRC) of the DOLE.

Step 6 – Period to decide. The Labor Arbiter who is in charge of processing such case will give the decision within 20 working days upon its submission.

Step 7 – Issue certification of employment. The employee is entitled to receive, on request, certification of his/her employment.

Step 8 – Submit report of dismissal – The employer shall submit a monthly report to the Department of Labor and Employment (DOLE) of all dismissals executed during the month.



I'm just wondering, Meling. How come you know all these things about due process?

It's because of the seminar on workers' rights that I attended. Remember that I even tried to convince you to come, but you were too busy with cockfighting.

Do you think that I should try to explain my side, then?

You really should. Workers have the right to answer accusations and defend themselves. This is the right of the worker to **be heard and be understood.**



Let's See What You Have Learned

How well do you understand and remember the important points in this lesson? Answer the exercises below.

A. Fill in the blanks with the word that best completes each statement.

- 1–2 A worker has the right to receive a just _____ and _____.
3. A worker is any member of the _____ force, whether employed or unemployed.
- 4–5 Workers cannot be dismissed without _____ and _____ causes.

B. List down the basic rights of a worker discussed in this lesson.

C. Identify the workers' right demonstrated in each of the situation below.

1. Lino is a waiter in a canteen. One day, he failed to report for work because his wife got ill and no one would take care of their small children. The next day, he reported for work. His supervisor got mad at him for being absent the previous day. He accused him of being absent to avoid the heavy workload during Fridays. Even if the supervisor was mad at him, Lino still insisted on explaining his side to the supervisor.

2. Leslie is accused by a co-worker of falsifying the cash transactions and pocketing some amounts from the company. Leslie knew that her co-worker was trying to ruin her reputation because they have frequently argued in the past. For fear of being dismissed, Leslie asked for an investigation and a chance to clear her name.

3. Mang Leonario works as a cleaner at a privately owned market in Vigan, Ilocos Sur. In the past he had been receiving a salary below the minimum wage. When his daughter who works as a personnel assistant in Manila returned to Vigan, she informed her father about his right and urged him to complain about his salary. Upon the suggestion of his daughter, Mang Leonario complained about his salary to his boss. When the boss refused to increase his salary, he then went to the Regional branch of the DOLE.

Compare your answers with those in the *Answer Key* on page 39.

Well, how was it? Did you get all the correct answers? If you did, then that's good! If you made some mistakes, don't worry. All you have to do is read the parts of this lesson, which aren't clear to you. You can also read the summary below to help you remember the important points discussed in this lesson.



Let's Remember

In this lesson, you learned that workers have rights that are provided for in the Philippine Constitution and the Labor Code. Some of these rights are:

- ◆ the right to receive just wages and benefits;
- ◆ the right to security of tenure;
- ◆ the right to due process of law; and
- ◆ the right to be heard and understood.

In keeping with the workers' rights to security of tenure and due process of law, no worker/employee shall be terminated without just and authorized cause and without following the proper legal procedure.

This is the end of Lesson 1. You may now turn to the next page for Lesson 2.

Other Rights of Workers and Their Responsibilities

In lesson 1, you learned about some of your rights as a worker. In this lesson, you will learn about your other rights. These include your rights to equal opportunities at work, freedom from sexual harassment and others. But does this mean that you can enjoy your rights without any responsibilities? In this lesson, you will learn that while you enjoy certain rights, there are responsibilities that you must fulfill.

What will you do if your rights as a worker are violated? Who can help you? Where will you go to seek help? This lesson will also answer these questions. It discusses the proper government agencies and private organizations that can help you uphold your rights as a worker.

After studying this module, you should be able to:

- ◆ explain your other rights as a worker;
- ◆ discuss your responsibilities as a worker; and
- ◆ identify the different government agencies and private organizations that could help uphold your rights.



Let's Try This

What are your other rights as a worker that were not mentioned in Lesson 1? Do you know any? List them down in the spaces provided below.

Compare your answers with those found in the *Answer Key* on page 39.

To better understand these rights, read on.



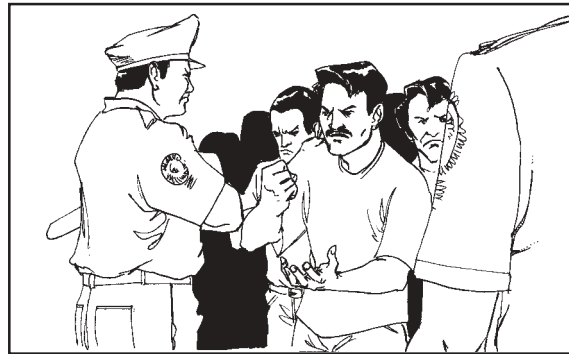
Let's Read

Mang Andres is the leader of the worker's organization in a steel factory in Bicutan. He has served the company for a long time. He is known to be good, understanding, industrious and courteous even to those who are younger than him. He has learned to love the company because he is satisfied with the way it has been managed.

However, a new management took over a few years ago. The new manager was very strict. Whenever employees came in late they were given a warning that they would be suspended the next time. The same threat would be given even if the reason for being late is a typhoon or a bad weather condition.

The employees could no longer take these harsh working conditions, so they planned to go on strike. Even before the strike, the workers and the company security guards had a heated argument. The workers wanted to talk to the management before they formally launched their strike, but the security guards informed them that the management did not want to talk to any of them.

The workers eventually went on strike. However, an unfortunate incident occurred. In the course of the heated argument between the security guards and the strikers, one of the workers hit and accidentally killed a security guard.



The incident reached the courts. The worker who accidentally killed the security guard was arrested. The case was heard before the court. He was given a

life sentence. Mang Andres, being the leader was also jailed for a number of years.



Let's Try This

1. What prompted the workers to go on strike?

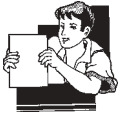
2. What right of workers did the new management violate?

3. What situation showed that the workers had tried to assert their rights?

4. If you were Mang Andres, would you do the same thing? Why? Why not?

Compare your answers with those found in the *Answer Key* on pages 39–40.

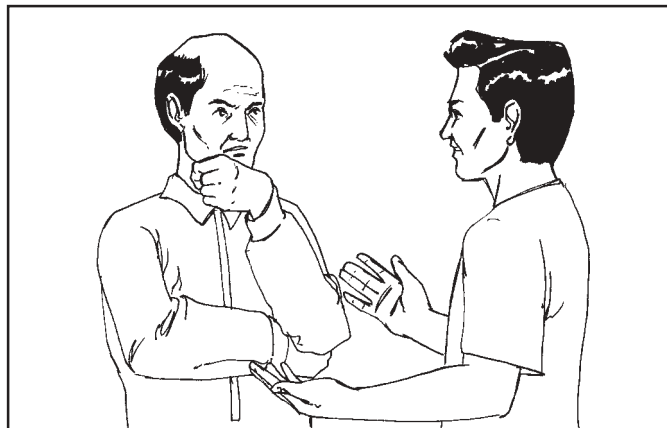
Read on to learn more about workers' rights.



Let's Learn

The right to completely air grievances

Workers have the right to completely air their grievances. This means that they can complain to their employers or to the management about unsatisfactory working conditions, insufficient wages and benefits and others. Under Article 255 of the Labor Code, “the State preserves and respects the right of an individual employee or any group of employees to present grievances to their employers at any given time.”



In the story of Mang Andres, he and his fellow workers wanted to air their grievances towards the oppressive policies of the new management. That right was violated when the management refused to talk to them. If only the management took the time to listen to the problems of the workers, chaos and violence would have been avoided. In fact, one of the measures for avoiding/solving disputes is through grievance procedures.

A **labor dispute** is any controversy or disagreement about terms or conditions of employment or representation of persons in the negotiation for changing terms and conditions of employment.

To avoid disputes, an employee can express his/her complaint, problems and suggestions by going directly to the employer. He/She may also be represented by the labor organization where he/she belongs.

The right to self organization

This brings us to another worker's right, which is the right to self-organization. Article 243 of the Labor Code states that "all persons employed in commercial, industrial and agricultural enterprises have the right to form, join or assist labor organizations of their own choosing for purposes of collective bargaining." An employee can join labor organizations on the very first day of his/her employment.



Let's Talk About This

What is a labor organization? Are you member of a labor organization? Who can be members of a labor organization? What is a collective bargaining agreement?

Discuss this with your family, friends and co-learners.

A labor organization is any union or association of employees which exists in whole or in part for the purpose of collective bargaining. It also deals with employers concerning terms and conditions of employment (Art. 212).

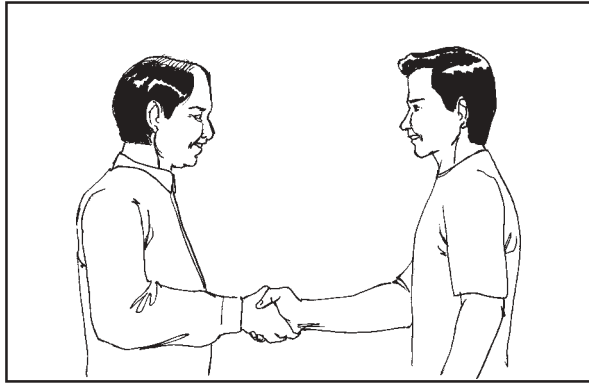
The following can be members of a labor organization:

1. industrial, commercial and agricultural workers;
2. employees of religious, charitable, medical and educational institutions (profit or non-profit); and
3. employees of government-owned or controlled corporations .

All other workers including those who are self-employed, have no definite employer and rural workers may form their own workers association.

Managerial employees are not eligible to form, join or assist any labor organization.

What is a Collective Bargaining Agreement?

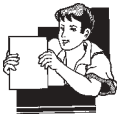


A **Collective Bargaining Agreement (CBA)** is a contract between workers and employers on terms and conditions of employment which are over and above those provided by law.



Let's Think About This

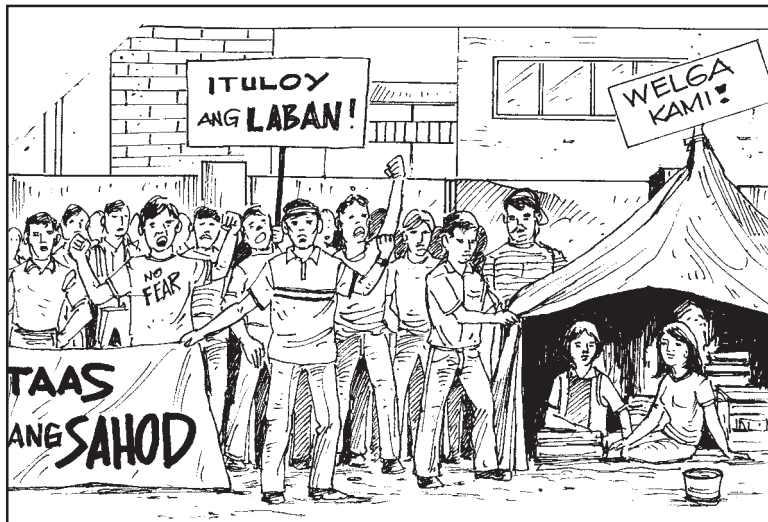
Another way in which workers can express their sentiments is through lawful concerted activities. What are lawful concerted activities? Have you ever participated in one? Why do workers join them? Read on to find out.



Let's Learn

Right to join lawful concerted activities

Similar to a worker's right to self-organization is his/her right to join lawful concerted activities in order to attain legitimate objectives. (Concerted means mutually agreed on or performed in unison.) Article 263 of the Labor Code declares that "in line with the policy of the State to encourage free trade unionism and free collective bargaining, workers shall have the right to engage in concerted activities for purposes of collective bargaining and for their mutual benefit and protection."



Lawful concerted activities include the following:

1. *Strike* - this is stoppage of work by employees in order to get more favorable terms for themselves. It lasts until the employer grants their demands.
2. *Picketing* - Walking or marching in the area or vicinity of a business involved in a labor dispute to convince the public not to support the services or products of the said business establishment. This may be done through word of mouth, banners, placards, etc. Picketing workers may also influence or persuade their co-workers to quit working for that business establishment.
3. *Collective Letter* - Employees or workers may voice out their grievances against the employer/management through a letter signed and published by them.
4. *Publicity* - The members of a labor organization or union may inform the public of the existence of a strike and the issues involved. They may do this through signs, handbills, or newspaper advertisement.
5. *Carrying of placards and banners* - A striker or picketer may solicit public support by carrying placards or banners on public streets.
6. *Speeches, Music and Broadcasts* - It is lawful for a labor organization to express its opinion about the fairness of an employer towards a labor organization in a radio broadcast. It may also use a vehicle bearing signs that are not unlawful and carrying apparatus for broadcasting music. However, it is condemned as a form of intimidation to use a loudspeaker in front of a picketed place.
7. *Boycott* - This is concerted refusal to patronize an employer's goods or services and to persuade others to do the same.
8. *Slowdown* - This a method by which the employees, without seeking a complete stoppage of work, delay production and distribution. This is done to put pressure on the employer to grant the demands of the employees.



Let's Think About This

In the case of Mang Andres and his co-workers, did they participate in a lawful activity? Why or why not? What was their objective for the strike? Was it a legitimate objective?

Compare your answers with this:

The objective of Mang Andres and his co-workers' strike was legitimate. They complained about unsatisfactory working conditions. But they violated the law when they did not file a notice of strike at the Department of Labor and Employment (DOLE) and when they used violence, which resulted in the death of a security guard.

The concerted activities may be lawful or unlawful depending on the means and methods used, and the goal intended to be accomplished.

Did you know that....

Government employees have the right to organize, but they do not have the right to strike? (Article 263-266, Labor Code)



Let's Try This

Match the items in Column A with the items in Column B. Draw a line to connect each pair.

Column A

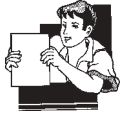
Picketing
Strike
Right to self-organization
Boycott
Slowdown
CBA

Column B

workers delay production and distribution of company's goods or products.
all workers/employees have the right to form, join or assist labor organizations
walking or marching in the place of business involved in a labor dispute
stoppage of work by employees
a contract between workers and employers on terms and conditions of employment
concerted refusal to patronize an employer's goods or services

Compare your answers with those in the *Answer Key* on page 40.

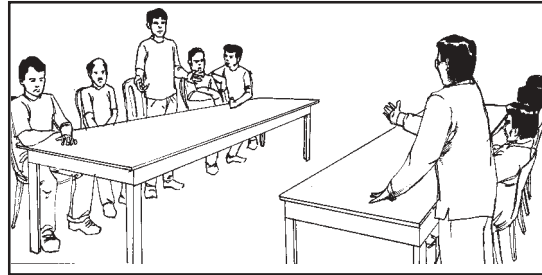
Let's continue with our discussion on workers' rights.



Let's Learn

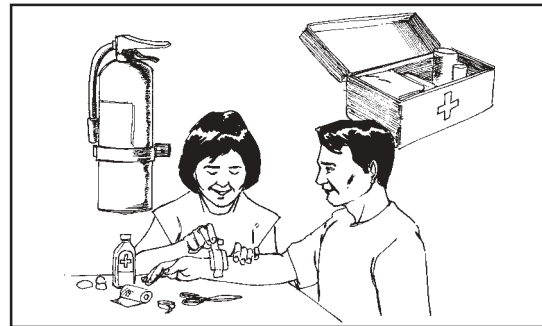
The right to participate in policy and decision-making processes

“A worker has the right to participate in policy and decision-making processes affecting their rights, benefits and welfare” (Art. 211). This provision in the labor Code does not refer to the management of the business operation. This refers mainly to workers’ participation in grievance procedures and voluntary modes of settling disputes. Workers should participate in decisions, especially those that will affect their security of tenure or may lead to loss of work or livelihood. Management should also see to it that its employees are at least properly informed of its decisions or modes of action.



The right to a safe and healthy workplace

According to the Labor Code, employers are required to observe occupational safety and health standards. This is intended to eliminate or reduce occupational risks or hazards in the workplace. The workplace should have proper lighting, ventilation, fire exits, etc. The employer shall also provide safety devices, such as first aid kits, medicine and fire extinguishers. It shall take steps to have a sufficient number of employees trained in giving first-aid treatment. (Book IV, Art. 162-165)



For additional information regarding health and safety in the workplace, you may read another NFE A&E module titled, *Is Your Workplace Safe?*

The right to equal opportunities at work

Another right of a worker is the right to equal opportunities at work or employment. The law provides protection for female workers against discrimination. It is illegal for any employer to discriminate against any woman employee on account of her sex or gender. Example of discrimination are paying her lower wages or favoring a male employee with respect to promotion, training opportunities and other benefits.



The right to freedom from sexual harassment

The law also provides protection for women against sexual harassment. Under the Anti-Sexual Harassment Act of 1995 all forms of sexual harassment in an employment, education or training environment are unlawful. Sexual harassment is committed by a person by requesting or requiring sexual favor from a female worker. This is just one of the many forms of sexual harassment. For a better understanding of this violation, read on.



Let's Talk About This

Is requesting or requiring sexual favors the only form of sexual harassment? What if you find it offensive when a co-worker unnecessarily brushes up against your body? Does this qualify as a form of sexual harassment?

Discuss this with your family, co-workers and co-learners.

Sexual harassment may be physical, verbal or visual in nature. It includes the following:

- a. persistent telling of dirty jokes to a co-worker who has indicated that he/she finds them offensive;
- b. taunting (making angry) a co-employee with constant talk of sex;
- c. displaying offensive pictures or publications in the workplace;
- d. asking a co-employee intimate questions on his/her sexual activities;
- e. making offensive hand or body gestures at a co-employee;
- f. making obscene phone calls to a co-employee during and outside work hours;
- g. pinching, unnecessarily brushing up against a co-worker's body;
- h. requesting dates or favors in exchange for a job, more favorable working conditions or assignments; and
- i. touching a co-employee in sensitive parts of his/her body, threats of a sexual nature and actual sexual assaults.



Let's Try This

Match the items in Column A with the items in Column B. Draw a line to connect each pair.

A

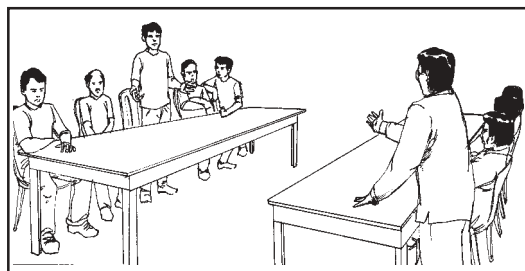
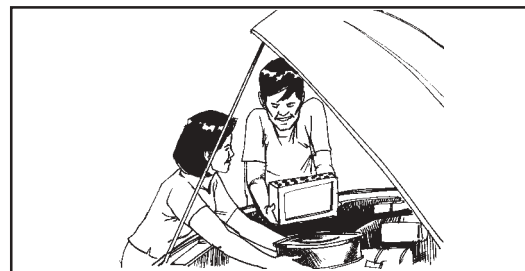
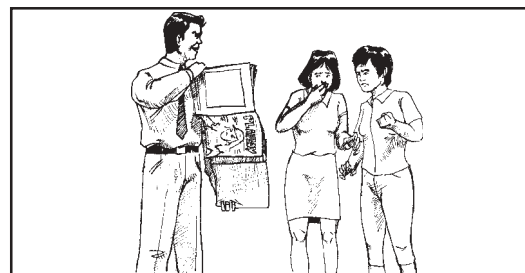
Right to a safe and healthy workplace

Right to equal opportunities at work

Right to freedom from sexual harassment

Right to participate in policy and decision-making processes

B



Well, how was it? Check if you matched all the items correctly. Compare your answers with those found in the *Answer Key* on page 40.

What we have discussed are your basic rights as a worker. These are the rights that you should enjoy as provided in the Philippine Constitution and the different labor laws. However, as a worker you do have duties and responsibilities to fulfill. What are these responsibilities? Read on to learn about your duties and responsibilities as a worker.



Let's Read

Read the dialogue below. What does it remind workers about?

Albert had an argument with the office supervisor, Mr. Roman. Albert was very angry so he couldn't help but shout while talking.

Later . . .

You shouldn't have done that, Albert. Mr. Roman is our supervisor here and you were being disrespectful to him.

I don't care if he is the supervisor. I know that I have my right to air my sentiments and grievances. He can't fire me without a valid reason.

Yes. You are right. Workers like us have the right to air our grievances. But just as we have rights, there are responsibilities that we must fulfill. These include airing our grievances in a peaceful manner. You should have expressed your sentiments calmly and peacefully.

What were you arguing about, anyway?

He reprimanded me for not cleaning the pantry. It's not my fault if the pantry was dirty. I have so many things to do.

Albert, always keep in mind that as the janitor here, it is your responsibility to clean the facilities in our office. As workers, we have the responsibility to perform the tasks assigned to us efficiently and conscientiously.

I see your point. Thank you for reminding me about my responsibilities.



Let's Try This

1. What does the dialogue remind workers about?
2. What were the responsibilities of the janitor which he failed to fulfill?
3. What do you think are some of your responsibilities as a worker?

Compare your answers with this:

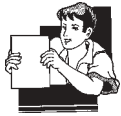
1. The dialogue reminds workers that they have responsibilities.
2. To air his grievances in a peaceful manner and perform the tasks assigned to him efficiently and conscientiously. He shouted at the supervisor and was not able to fulfill one of his duties as a janitor.
3. Your responsibilities as a worker include the following:
 - ◆ Perform efficiently and conscientiously the tasks assigned to you, as well as other tasks that you and your employer have agreed upon.
 - ◆ To air your grievances in a peaceful manner.
 - ◆ Obey company rules and policies.
 - ◆ Never engage in rioting and other forms of violent activities.
 - ◆ Not to damage the property or harm the employers, their families and authorized representatives.
 - ◆ Observe proper health and safety measures.
 - ◆ Always participate in issues, policy and decision-making processes that will affect your rights, benefits and welfare as a worker.
 - ◆ Report any violation of your rights and those of your co-workers to the proper authorities.



Let's Think About This

What will you do if you are denied certain benefits that you deserve? Suppose that you didn't receive a promotion because of your sex or gender, what would you do? If you got hurt while doing your job, where will you claim your compensation? If you are illegally dismissed from work, what government agency can help you?

Read the next activity to learn the answers to these questions.



Let's Learn

There are government agencies and private organizations that can help you assert your rights as a worker. To protect yourself and your co-workers, learn about the following agencies and organizations:

Department of Labor and Employment (DOLE) - This is the government agency responsible for protecting the rights of both the workers and the employers.

National Labor Relations Commission (NLRC) - Labor disputes between employees or labor organizations and employers are brought to the NLRC for immediate action. A labor arbiter is assigned to hear both sides of the issues, weigh the evidence and give judgment or decisions.

If you want to file a formal complaint about certain violations of your rights and you can't afford to pay for your own lawyer, the NLRC can also provide you with free legal assistance.

Social Security System (SSS) - Workers who are employed in the private sector, may receive benefits, such as sickness, maternity, disability, retirement and others.

Government Service and Insurance System (GSIS) - Employees of the government covered by the GSIS receive benefits in the same way that those covered by SSS do.

Employees Compensation Commission (ECC) - The ECC is the agency responsible for benefits such as sickness, disability, retirement, death and funeral benefits that are work-related or have happened in the course of and arising from performing one's job.

If you are a member of a union or labor organization, you can seek support from the following:

- Bukluran ng Manggagawa Para sa Pagbabago (BMP)
- National Confederation of Labor (NCL)
- National Labor Union (NLU)
- Trade Union Congress of the Philippines (TUCP)
- Trade Union Philippines and Allied Services (TUPAS)

For female workers who need assistance in fighting for their rights, the following organizations will help them.

- Bureau of Women and Young Workers (BWYW) of the Department of Labor and Employment
- GABRIELA Philippines
- National Council on the Role of the Filipina Women (NCRFW)



Let's Try This

See if you can find out the names, telephone numbers and addresses of the following people or agencies that can help you in upholding your rights as a worker.

Agency	Name of Secretary or Head	Address	Telephone Number
Department of Labor and Employment (DOLE)			
National Labor Relations Commission (NLRC)			
Social Security System (SSS)			
Government Service Insurance System (GSIS)			
Employees Compensation Commission (ECC)			

Copy the information you get on a separate piece of paper. Keep it in a safe place at home, so you can refer to it should you need help.

Ask your Instructional Manager or Facilitator to check whether the information you found is correct.



Let's Remember

In this lesson, you learned that workers also have other rights, such as:

- ◆ the right to completely air grievances;
- ◆ the right to self-organization;
- ◆ the right to participate in peaceful and lawful concerted activities;
- ◆ the right to a safe and healthy workplace;
- ◆ the right to equal opportunities at work;
- ◆ the right to participate in policy and decision-making processes; and
- ◆ the right to be free from sexual harassment.



Let's Sum Up

In this module, you learned that as a worker you have certain rights as indicated in the Constitution and the Labor Code of the Philippines. These rights include:

- ◆ the right to receive a just wage and benefits;
- ◆ the right to security of tenure;
- ◆ the right to due process of law;
- ◆ the right to be heard and be understood;
- ◆ the right to completely air grievances;
- ◆ the right to self-organization;
- ◆ the right to participate in peaceful and lawful concerted activities;
- ◆ the right to a safe and healthy workplace;
- ◆ the right to equal opportunities at work;
- ◆ the right to participate in policy and decision-making processes; and
- ◆ the right to freedom from sexual harassment.

Inasmuch as a worker enjoys certain rights, he/she must perform certain duties and responsibilities. These include:

- ◆ performing efficiently and conscientiously the tasks assigned to him/her, as well as other tasks which both the employee and employer have agreed upon;
- ◆ airing grievances in a peaceful manner;
- ◆ **not** engaging in rioting and other forms of violent activities;
- ◆ **not** damaging the property or harming the employers, their families and authorized representatives;
- ◆ observing proper health and safety measures;
- ◆ always participating in issues, policy and decision-making processes that will affect his/her rights, benefits and welfare as a worker; and
- ◆ reporting any violation of his/her rights and those of his/her co-workers'.

There are government agencies and private organizations that can help uphold your rights as a worker. Protect your rights and those of your co-workers by knowing about these agencies and organizations.



What Have You Learned?

How well do you understand and remember what you have read in this lesson?
Answer the test below.

- A. Identify the right of workers that have been violated in each situation below.
1. The employees of Religious Goods, Inc. are interested in forming their own labor organization. They asked leaders of other labor organizations to help them. When news reached the management, they immediately called a meeting. In the meeting, the management warned the employees that those who would join the labor organization would be terminated.

 2. The sound system of Stratosphere Disco caught fire due to faulty wiring. One employee of the disco tried to control the small fire using a fire extinguisher, which turned out to be defective. As the fire grew all the customers ran toward the only entrance since the disco didn't have a fire exit. Many died in this fire accident. Some of those who perished were the waiters, bar tenders, technicians and disc jockey working for the disco.

 3. The workers in Diabord Manufacturing Co. would like to talk to the manager to express their sentiments about their low salaries. Every time they would set an appointment with the manager's secretary, they were told that the manager was too busy to see them.

 4. The officers of the Pasay Airlines Employees Union were terminated. As a result, the union filed a notice of strike and immediately conducted a strike to protest the unfair labor practice of the management. Following the orders of the management, the company's security guards violently dispersed the strikers. Many of the strikers were hurt because of this.

 5. Lisa works for an advertising agency. Her co-employees love to share stories about sex. Lisa doesn't want to participate since she is not interested in this kind of talk. Sometimes, when they ask her to participate, she would just smile at them and continue with her work. One time, while her co-employees were talking about sex, one of them pressed Lisa to share her experiences. Lisa once again refused but her co-employee was persistent. To make matters worse, her co-employee asked her about her virginity. Lisa felt embarrassed as all her co-employees laughed at her.

B. Complete the statements below. Choose your answer from the words inside the box. Write your answer in the spaces provided.

maternity	dispute	understood
collective letter	Labor Code	organization
decision-making		

1. A labor _____ includes controversies or disagreements concerning terms of employment or representation of persons in the negotiation for changing terms of employment.
2. Workers have the right to be heard and be _____.
3. Employees/workers may voice out their grievances through a _____ signed and published by them.
4. A pregnant employee may file for a _____ leave provided that she has worked for the employer for at least six months in the past 12 months.
5. The _____ was enacted for the protection of labor, to promote full employment, ensure equal work opportunities and regulate the relations between workers and employers.
6. A labor _____ is any union or association of employees which exists in whole or in part for the purpose of collective bargaining or of dealing with employers concerning terms and conditions of employment.
7. Workers have to right to participate in policy and _____ processes affecting their rights, benefits and welfare.

Well, how was it? Do you think that you got all the correct answers? Compare your answers with those in the *Answer Key* on page 41.

If your score is:

- 12 Very good! You have learned a lot from this module. You may start with the next module.
- 10–11 Good! All you need to do is to review the answers that you missed.
- 9–6 Review the items in the module that you don't fully understand.
- 5–0 You should study the entire module one more time.



Answer Key

A. Let's See What You Already Know (pages 2–3)

- A. 1. S Marilyn's right to equal opportunities at work was supported by her employer when he/she gave her the same amount of wages and benefits and training opportunities as those of the male employees.
2. V The company violated Lourdes' and Mila's right to self-organization when they prohibited the sisters from joining any labor organization.
3. S Aling Meding's right to receive just wages and benefits was supported since she receives additional payment for working overtime.
4. V The company where Roberto is working violated his right to a safe and healthy workplace because they didn't install safety equipment such as a first aid kit and medicine. They should also train some of their employees to administer first aid treatments.
5. S The company, even though it terminated the services of the janitor, still supported the worker's right to due process. The janitor was terminated because an investigation proved that he stole something from the company. He was also given the opportunity to explain his side and was given the proper legal procedure before he was finally terminated.
- B. 6. Right to participate in policy and decision-making processes
7. Right to completely air workers' grievances
8. Anti-sexual Harassment Act of 1995 or RA no. 7877
9. Right to security of tenure
10. Labor Code of the Philippines

B. Lesson 1

Let's Study and Analyze (page 5)

Compare your answers with this:

1. The workers' rights that our Constitution upholds include the following:
 - ◆ Right to self-organization and collective bargaining
 - ◆ Right to participate in peaceful concerted activities
 - ◆ Right to security of tenure
 - ◆ Right to a human or humane condition at work
 - ◆ Right to a just living wage
 - ◆ Right to participate in policy and decision-making processes affecting their rights and benefits
2. The State recognizes the labor force as the major economic force in our country. This means that the economic progress of our country depends largely on workers who comprise the labor force. For this reason, the state has provided laws to protect the workers and their rights and ensure that they can share in the fruits of their labor.

Let's Try This (pages 10–11)

- A.
- | | | |
|-------------|---|--------------------|
| April 9 | – | Araw ng Kagitingan |
| November 30 | – | Bonifacio Day |
| November 1 | – | All Saints Day |
| May 1 | – | Labor Day |
| June 12 | – | Independence Day |
- B.
1. overtime pay
 2. service incentive leave
 3. holiday pay
 4. 13th month pay

Let's Study and Analyze (page 11)

1. The workers falsified their time card thereby defrauding the company by collecting wages for the days when they did not report for work. Falsification and fraud, which the workers committed against their employer, is a just cause for terminating an employee or worker.

(This case study is based on the decision of the Supreme Court on the case - San Miguel Corporation vs. National Labor Relations Commission G.R. no. 824, June 29, 1989.)

2. Fidel and his co-workers' services were terminated since their employer purchased a labor-saving device. Reduction in the number of workers in a company due to the introduction of a machinery or device, which will make the method of production more efficient and economical, is an authorized cause for terminating employees. However, each worker should receive separation pay.

(Source: International Hardware, Inc. vs. National Labor Relations Commission, G.R. No. 80770, Aug. 10, 1989)

Let's Try This (pages 14–15)

1. Tardiness and absenteeism are forms of neglect of one's duty. Also, the employee (Menandro) intentionally disobeyed the collective bargaining agreement where each employee is allowed only 15 days of absences in a year and where the employee must present a medical certificate. We can say that the employee intentionally disobeyed the CBA since he was given verbal warning about his absences. Yet, he continued to be absent from the company and each time neglecting to present a proper certification. The employee was terminated on the grounds of neglect of duty, which is a just cause under the Labor Code.
2. There is an authorized cause for KPF Sportswear, Inc. to lay-off some of its workers. Temporary lay-off or retrenchment to prevent losses is an authorized cause for dismissing employees, since there will be no work for some of its workers due to poor demand for its products. However, the company should recall the laid-off employees after six months. In case they are not yet in a position to do this, they should at least inform their employees/workers accordingly.

(Source: Sebugero et al. vs. NLRC, G.T.I Sportswear Corp, et al. G.R. No. 115394, September 27, 1995.)

3. There is no justifiable reason for the termination of the production assistant. An employee/worker cannot be terminated based on suspicions or accusations only. An investigation should have been conducted to confirm the suspicion or accusation. The fact that the employee denied the accusations calls for an investigation or hearing in order to give the employee a chance to explain his side and prove his innocence. This is in accordance with the worker's fundamental right to due process of law.

Let's See What You Have Learned (page 17)

A.

- 1–2 A worker has the right to receive a just wage (or income) and benefits.
3. A worker is any member of the labor force, whether employed or unemployed.
- 4–5 Workers cannot be dismissed without just and authorized causes.

B. ♦ Right to receive a just wage and benefits

- ♦ Right to security of tenure
- ♦ Right to due process of the law
- ♦ Right to be heard and be understood

- C.
1. Lino asserted or practised his right to be heard and be understood
 2. Leslie practised her right to due process of law.
 3. Mang Leonario asserted his right to receive a just wage and benefits.

C. Lesson 2

Let's Try This (page 19)

Here is a list of your other rights as a worker:

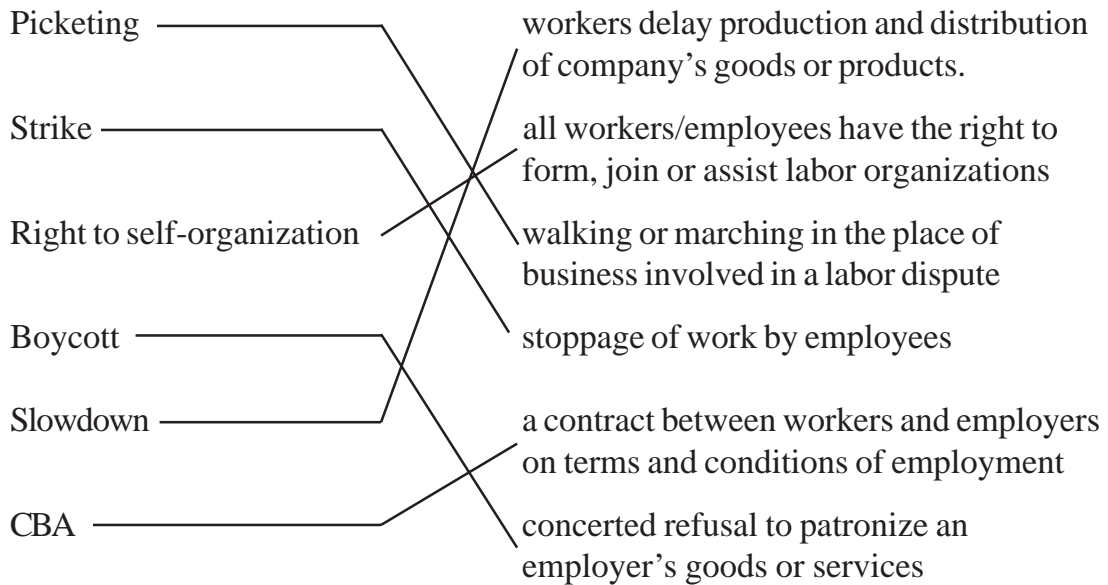
1. Right to completely air grievances
2. Right to self-organization
3. Right to participate in lawful concerted activities
4. Right to a safe workplace
5. Right to equal opportunities
6. Right to participate in policy and decision-making processes
7. Right to freedom from sexual harassment

Let's Try This (pages 20–21)

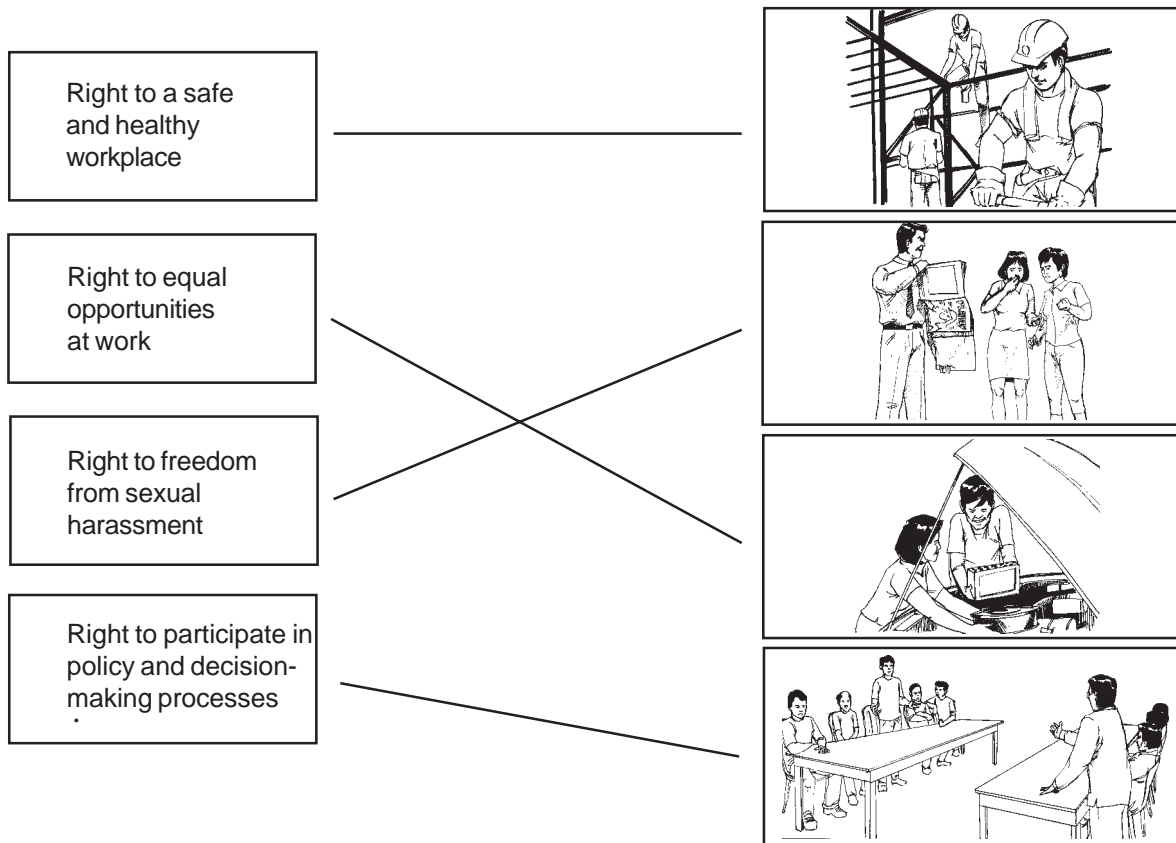
1. The harsh policies of the new management forced the workers to go on strike. Every time an employee is late, he or she is threatened with suspension, even if the reason is a valid one.
2. The right to completely air their grievances

3. The workers tried to express their sentiments asking for a dialogue with the management, but they were told that management had no time to listen to them.
4. No. If I were Mang Andres, I would find ways to settle the dispute or problem peacefully. In this way, the incident in which the security guard was killed might have been avoided.

Let's Try This (page 25)



Let's Try This (page 28)



D. What Have You Learned? (pages 34–35)

- A.
 - 1. right to self-organization
 - 2. right to a safe and healthy workplace
 - 3. right to completely air grievances
 - 4. right to participate in peaceful and lawful concerted activities
 - 5. right to freedom from sexual harassment

- B.
 - 1. A labor dispute includes controversies or disagreements concerning terms of employment or representation of persons in the negotiation for changing terms of employment.
 - 2. Workers have the right to be heard and be understood.
 - 3. Employees/workers may voice out their grievances through a collective letter signed and published by them.
 - 4. A pregnant employee may file for a maternity leave provided that she has worked for the employer for at least six months for the last 12 months.
 - 5. The Labor Code was enacted for the protection of labor, to promote full employment, to ensure equal work opportunities and regulate the relations between workers and employers.
 - 6. A labor organization is any union or association of employees which exists in whole or in part for the purpose of collective bargaining or of dealing with employers concerning terms and conditions of employment.
 - 7. Workers have the right to participate in policy and decision-making processes affecting their rights, benefits and welfare.



Glossary

- Collective Bargaining Agreement (CBA)** Contract between workers and employers on terms and conditions of employment, which are over and above those provided by law
- Concerted** Mutually agreed upon or performed in unison
- Grievance** Suffering or distress caused by unsatisfactory working conditions, etc., felt by the workers and expressed as a complaint
- Labor** Services performed by workers for wages. This also refers to the workers employed in an establishment.
- Labor dispute** Includes any controversy or matter concerning terms or condition of employment or representation of persons in the negotiation for changing terms and conditions of employment
- Labor organization** Any union or association of employees which exists in whole or in part for the purpose of collective bargaining or of dealing with employers concerning terms and conditions of employment
- Picketing** Walking or marching in the place of business involved in a labor dispute
- Slowdown** Intentional delay in production and distribution of company's goods as a form of protest
- Strike** Cessation or stoppage of work by employees
- Tenure** A term holding a worker to his/her position, protecting him/her from summary dismissal
- Uphold** To support; to lift up
- Wage** Earnings capable of being expressed in terms of money, which is payable by an employer to an employee for work done or to be done



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