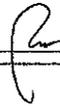




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SENATE
S. No. 2603

RECEIVED BY: 

Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

The tactic of using professional union organizers and agents to infiltrate a targeted employer's workplace has supposedly evolved into an aggressive form of harassment not contemplated when the Labor Code of the Philippines was enacted. The practice threatens the balance of rights which is fundamental to the system of collective bargaining in the Philippines.

Union organizers are allegedly seeking employment with non-union employers not because of a desire to work for such employers, but primarily to organize the employees or to inflict economic harm specifically designed to put nonunion competitors out of business, or to do both. While no employer may discriminate against employees based upon their views concerning collective bargaining, an employer should have the right to expect job applicants to be primarily interested in utilizing their skills to further the goals of the business of the employer.

Thus, the purposes of this bill are:

1. to preserve the balance of rights between employers, employees, and labor organizations which is fundamental to the system of collective bargaining in the Philippines;
2. to preserve the rights of workers to organize, or otherwise engage in concerted activities protected under the Labor Code of the Philippines; and
3. to alleviate the pressure on employers to hire individuals who seek or gain employment in order to disrupt the workplace or otherwise inflict economic harm designed to put employers out of business.¹


MIRIAM DEFENSOR SANTIAGO

¹ <http://www.govtrack.us/congress/billtext.xpd?bill=s111-1227>

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SENATE
S. No. **2603**

RECEIVED BY: 

Introduced by Senator Miriam Defensor Santiago

1 AN ACT
2 AMENDING PRESIDENTIAL DECREE NO. 442, BOOK V, CHAPTER II, ARTICLE 248,
3 TO PROTECT THE RIGHTS OF THE EMPLOYERS

Be it enacted by the Senate and the House of Representatives of the Philippines in Congress assembled:

4 SECTION 1. *Short Title.* – This Act shall be known as the “Truth in Employment Act.”

5 SECTION 2. *Protection of Employer Rights.* – Presidential Decree No. 442, as amended,
6 otherwise known as the “Labor Code of the Philippines”, Book V, Chapter II, Article 248 is
7 hereby amended by adding after and below the last paragraph the following:

8 “NOTHING IN THIS ARTICLE SHALL BE CONSTRUED AS
9 REQUIRING AN EMPLOYER TO EMPLOY ANY PERSON WHO SEEKS OR
10 HAS SOUGHT EMPLOYMENT WITH THE EMPLOYER IN
11 FURTHERANCE OF OTHER EMPLOYMENT OR AGENCY STATUS.”

12 SECTION 3. *Repealing Clause.* – All laws, decrees, orders, rules and regulations, or
13 parts thereof inconsistent with this Act are hereby repealed or amended accordingly.

14 SECTION 5. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication
15 in at least two (2) newspapers of general circulation.

Approved,

/fldp