

## Labor-Management Cooperation in Government Corporations

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The Article exposes the several valid concerns that weigh down on labor-management relations in government corporations. Section 11 of Republic Act (R.A.) No. 875, or the Industrial Peace Act, is quoted in full, which essentially enjoins employees in government-owned and controlled corporations performing governmental functions from joining any labor organization which imposes the obligation to strike or from joining a strike. Corrollarily, those employed in government corporations performing proprietary functions are not so prohibited. The problem, however, as demonstrated by the Author, is the lack of a single criterion in determining which government corporations are performing governmental functions and those which are performing corporate functions. A contentious area likewise presented concerns the right, if any, of employees in government corporations, to collective bargaining, as guaranteed by the Magna Carta of Labor. Yet another area of conflict is whether collective bargaining agreements in such corporations shall prevail over civil service rules, regulations and laws as to wages, hours of labor and other terms and conditions of employment. By way of recommendation to these concerns, the Author sets forth a number of steps or amendments in the law that can be undertaken, namely: (1) that an Executive Order be issued by the President classifying the functions of all government-owned and controlled corporations; (2) that R.A. No. 875 be amended by defining the meaning of governmental and proprietary functions; (3) that R.A. No. 875 be amended by clarifying whether the prohibition against strikes in Section 11 thereof shall apply only to corporations exercising principally or to those exercising purely governmental functions, and; (4) R.A. No. 875 be amended by providing that in corporations performing principally proprietary functions, the collective bargaining agreements therein shall prevail over and all civil

service rules, regulations or laws on rates of pay, hours of work and other terms and conditions of employment.