

Dating Tubig sa Lumang Tapayan: Should Labor Relations Law Be Transformed?

Hans Leo J. Cacdac

49 *ATENEO L.J.* 651 (2004)

SUBJECT(S): LABOR LAW

KEYWORD(S): LABOR RELATIONS, PROPOSED AMENDMENTS

This Article deals with the calls to amend the Labor Code of the Philippines. It presents the proposition that continued adherence to the primacy of collective bargaining in the “Labor Code for the 21st Century” sweeps the rug out of labor market and collective behavior assumptions that should form the basis of future labor-management relations.

The first part provides a “classical” framework of the institution of collective bargaining established under the Industrial Peace Act of 1953 and maintained in the Labor Code of 1974. The Article then gives a summary of proposed amendments to the current labor relations law. It then presents an emergent dynamic framework for labor relations under the 1987 Constitution.

The Article then proceeds to present basic empirical data on unions and administrative machinery which maintain the institution of collective bargaining. It then establishes incongruities in affirming the primacy of collective bargaining under the classical framework vis-à-vis the emergent approach and empirical data. Ultimately, the Article proposes a structural framework for the new Book on Labor Relations.