

LABOR RELATIONS QUIZ REVIEWER

Definition + Enumeration

PART I — BASIC CONCEPTS

1. Labor Relations

Definition:

Labor relations refers to the **relationship between employers, employees, and labor organizations**, particularly concerning employment conditions, collective bargaining, and labor disputes.

KEY WORDS: employer + employee + union + relationship

2. Management Prerogative

Definition:

Management prerogative is the **employer's right to manage and control the operations of the business**, subject to law, contracts, and employees' rights.

KEY WORD: employer's right to manage

3. Employer-Employee Relationship

Definition:

It is the **legal relationship between an employer and an employee** where the employee performs work for the employer under the employer's direction and in exchange for compensation.

Enumeration — Four-Fold Test

Remember:

S-P-D-C

1. **Selection and engagement**
2. **Payment of wages**
3. **Power of dismissal**
4. **Power of control**

🧠 **SPDC = Select, Pay, Dismiss, Control**

PART II — KINDS OF EMPLOYEES

4. Regular Employee

Definition:

An employee who performs work that is **usually necessary or desirable to the employer's usual business or trade**.

5. Project Employee

Definition:

An employee hired for a **specific project or undertaking**, whose completion or termination is determined at the time of engagement.

🧠 **PROJECT = specific project**

6. Seasonal Employee

Definition:

An employee whose work is performed **during a particular season or period of the year**.

🧠 **SEASONAL = particular season**

7. Casual Employee

Definition:

An employee whose work is **not usually necessary or desirable to the employer's usual business or trade** and does not fall under another recognized category.

8. Fixed-Term Employee

Definition:

An employee hired for a **definite or specific period of time** agreed upon by the parties.

🧠 **FIXED** = fixed end date

9. Probationary Employee

Definition:

An employee hired on a **trial or probationary basis** to determine whether the employee is qualified for regular employment.

Enumeration — Maximum Period

Generally: 6 months

PART III — TERMINATION

10. Security of Tenure

Definition:

Security of tenure is the employee's right **not to be dismissed except for a just or authorized cause and in accordance with law**.

🧠 **SECURITY** = protection from unjust dismissal

11. Illegal Dismissal

Definition:

Illegal dismissal occurs when an employee is **terminated without a valid just or authorized cause and/or without compliance with the required procedure**.

12. Burden of Proof

Definition:

In an illegal dismissal case, the **employer generally has the burden of proving that the dismissal was valid**.

🧠 **EMPLOYER** = PROVE

PART IV — JUST CAUSES

13. Just Causes

Definition:

Just causes are **faults or offenses committed by the employee** that may legally justify dismissal.

ENUMERATION — ARTICLE 297

S-G-F-C-A

1. **Serious Misconduct**
2. **Gross and Habitual Neglect of Duties**
3. **Fraud or Willful Breach of Trust**
4. **Commission of a Crime or Offense**
5. **Other Analogous Causes**

🧠 **SGFCA**

14. Serious Misconduct

Definition:

A **serious improper or wrongful act** committed by an employee in connection with employment that may justify dismissal.

15. Gross and Habitual Neglect

Definition:

The **serious and repeated failure** of an employee to perform assigned duties.

🧠 **Gross** = serious

🧠 **Habitual** = repeated

16. Fraud or Willful Breach of Trust

Definition:

Fraud is intentional deception, while **willful breach of trust** is the deliberate violation of the trust or confidence given by the employer.

17. Commission of a Crime or Offense

Definition:

The commission by an employee of a **crime or offense against the employer, the employer's immediate family, or duly authorized representative**, as provided by law.

18. Other Analogous Causes

Definition:

Causes that are **similar in nature to the just causes expressly stated in the Labor Code**.

 **Analogous = similar**

PART V — OTHER DISMISSAL CONCEPTS

19. Abandonment

Definition:

Abandonment is the employee's **failure to report for work together with a clear intention to sever the employment relationship**.

ENUMERATION — ELEMENTS

1. Failure to report for work / absence without valid reason
2. Clear intention to sever the employment relationship

 **Absence alone is NOT abandonment.**

20. Constructive Dismissal

Definition:

Constructive dismissal occurs when the employee is **not formally dismissed but is forced to leave because continued employment has become impossible, unreasonable, or unlikely**, or because of an unjustified demotion or diminution of pay/benefits.

 **Not fired → forced to leave**

PART VI — DUE PROCESS

21. Due Process

Definition:

Due process in dismissal means giving the employee **notice of the charges, an opportunity to be heard, and notice of the employer's decision**.

ENUMERATION — TWIN NOTICE

1. **First Notice** — notice of the charge
2. **Opportunity to be heard**
3. **Second Notice** — notice of decision

 **CHARGE → DEFEND → DECISION**

PART VII — AUTHORIZED CAUSES

22. Authorized Causes

Definition:

Authorized causes are **lawful grounds for termination based primarily on business or economic reasons rather than employee fault**.

ENUMERATION — ARTICLE 298

1. **Installation of labor-saving devices**
2. **Redundancy**
3. **Retrenchment to prevent losses**
4. **Closure or cessation of operation**

 **L-R-R-C**

Labor-saving → Redundancy → Retrenchment → Closure

23. Installation of Labor-Saving Device

Definition:

The employer introduces **machines**,

technology, or devices that reduce the need for human labor.

24. Redundancy

Definition:

A situation where an employee's position has become **superfluous or excessive and is no longer reasonably needed by the business.**

🧠 **Redundancy = position is unnecessary**

25. Retrenchment

Definition:

A reduction of the workforce by the employer **to prevent or minimize business losses.**

🧠 **Retrenchment = prevent losses**

26. Closure or Cessation of Operation

Definition:

The **complete or partial stopping of the employer's business or undertaking**, which may result in termination of employees subject to legal requirements.

PART VIII — SEPARATION PAY

27. Separation Pay

Definition:

Separation pay is the **amount paid to an employee whose employment is terminated in circumstances where the law requires or allows such payment.**

28. Separation Pay for Labor-Saving Devices and Redundancy

ENUMERATION

Employee generally receives:

1. **One month pay OR**
2. **One month pay for every year of service**

👉 **Whichever is HIGHER**

29. Separation Pay for Retrenchment/Closure

Employee generally receives:

1. **One month pay OR**
2. **½ month pay for every year of service**

👉 **Whichever is HIGHER**

PART IX — REMEDIES

30. Remedies for Illegal Dismissal

ENUMERATION

1. **Reinstatement**
2. **Full backwages**
3. **Separation pay in lieu of reinstatement**, when legally appropriate

🧠 **R-B-S**

31. Reinstatement

Definition:

Reinstatement means **returning the illegally dismissed employee to the former or substantially equivalent position** without loss of seniority rights and privileges.

32. Backwages

Definition:

Backwages are the **wages and benefits the employee would have earned had the**

employee not been illegally dismissed, subject to applicable law and jurisprudence.

33. Manner of Reinstatement

ENUMERATION

1. **Actual reinstatement** — employee returns to work.
 2. **Payroll reinstatement** — employee is placed on the payroll under circumstances recognized by law.
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34. Separation Pay in Lieu of Reinstatement

Definition:

Separation pay awarded **instead of reinstatement** when reinstatement is no longer appropriate under recognized legal circumstances.

35. Doctrine of Strained Relations

Definition:

A doctrine where **separation pay may be granted instead of reinstatement when the relationship between the employer and employee has become genuinely and irreparably strained** such that reinstatement is no longer viable.

36. Ineffectual Dismissal

Definition:

A dismissal that **does not legally accomplish a valid termination of employment because the required legal requirements have not been satisfied.**

PART X — NLRC

37. National Labor Relations Commission

Definition:

The **NLRC** is a government agency that exercises jurisdiction over specified labor disputes and reviews decisions of Labor Arbiters as provided by law.

 **NLRC = labor dispute adjudication**

38. Labor Arbiter

Definition:

A Labor Arbiter is an official who **hears and decides labor cases within the original and exclusive jurisdiction granted by law.**

39. Powers/Jurisdiction of Labor Arbiters

ENUMERATION — IMPORTANT

Labor Arbiters generally have original and exclusive jurisdiction over:

1. **Unfair labor practice cases**
2. **Termination disputes**
3. **Claims for actual, moral, exemplary, and other forms of damages arising from employer-employee relations**
4. **Cases involving wages, rates of pay, hours of work, and other terms and conditions of employment**
5. **Claims for reinstatement**
6. **Other cases provided by law**

 Your professor may use a different wording based on the current Labor Code, so learn the statutory list from your assigned material.

PART XI — UNIONIZATION

40. Right to Unionize

Definition:

The right of employees to **form, join, or assist labor organizations for purposes of**

collective bargaining and mutual aid and protection.

41. Bargaining Unit

Definition:

A bargaining unit is a **group of employees with a community of interest who may appropriately be represented together for collective bargaining.**

 **Bargaining unit = group represented together**

42. Independent Union

Definition:

A labor organization that **operates independently and is not affiliated with a federation or national union.**

43. Federation

Definition:

A labor organization that **organizes or brings together local unions or chapters under its affiliation.**

 **Federation = union of unions**

PART XII — LABOR ORGANIZATION

44. Formation and Registration

Definition:

The formation and registration of a labor organization is the **process by which employees organize themselves and comply with legal requirements to obtain recognition/legal personality under labor law.**

45. Where to Apply for Union Registration

Answer:

Generally, applications are filed with the **appropriate DOLE office** in accordance with the applicable rules.

46. Rights and Responsibilities of Union Members

ENUMERATION — BASIC

Rights:

1. Participate in union activities
2. Vote in union matters/elections as provided by law and union rules
3. Receive fair representation
4. Exercise rights guaranteed by labor law

Responsibilities:

1. Follow lawful union rules
 2. Pay lawful union dues/assessments
 3. Participate in legitimate union activities
 4. Respect the union constitution and by-laws
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PART XIII — UNFAIR LABOR PRACTICE

47. Unfair Labor Practice (ULP)

Definition:

ULP refers to **acts prohibited by the Labor Code that violate or interfere with the employees' right to self-organization and other protected labor rights.**

48. Two Aspects of ULP

ENUMERATION

1. **Civil/Labor aspect**
2. **Criminal aspect**

 **ULP = Labor + Criminal**

PART XIV — ULP BY EMPLOYER

49. Employer ULP

ENUMERATION

Important acts include:

1. **Interfering with, restraining, or coercing employees in the exercise of their right to self-organization**
2. Requiring employees not to join a union
3. Discrimination regarding terms and conditions of employment to encourage or discourage union membership
4. Discriminating against employees for giving testimony or participating in proceedings
5. Refusing to bargain collectively
6. Paying negotiation/attorney's fees to union representatives in a manner prohibited by law
7. Violating a CBA regarding wages or other mandatory subjects when it amounts to ULP

 **For your actual quiz, memorize the exact enumeration in your assigned Labor Code material**, because your attorney may expect the statutory wording.

PART XV — SPECIAL TERMS

50. Yellow Dog Contract

Definition:

An agreement requiring an employee, **as a condition of employment, not to join or form a labor organization.**

 **"No union if you want the job."**

51. Run-Away Shop

Definition:

A situation where an employer **moves its business to another location to escape union activities or unionization.**

 **Employer runs away from the union.**

52. Boulwarism

Definition:

A bargaining strategy where the employer presents its **best or final offer at the beginning and refuses to meaningfully negotiate.**

 **"Take it or leave it."**

PART XVI — ULP BY UNION

53. Union ULP

Definition:

Acts by a labor organization or its agents that **violate employees' rights or constitute unfair labor practices prohibited by law.**

54. Featherbedding

Definition:

A practice involving **requiring an employer to maintain or hire unnecessary workers or perform unnecessary work** for the benefit of employees or the union.

 **Unnecessary workers/jobs**

55. Sweetheart Contract

Definition:

A CBA or agreement that is **unfairly favorable to the employer and made by**

union representatives who fail to genuinely protect the employees' interests.

🧠 Union + employer = "sweet deal"

56. Blue-Sky Bargaining

Definition:

Bargaining involving **unrealistic or excessive demands made without a genuine intention to reach an agreement.**

🧠 Blue sky = unrealistic

🔥 ENUMERATION MUST-MEMORIZE LIST

If your attorney suddenly says:

"Enumerate the just causes for dismissal."

You should immediately say:

ARTICLE 297 — JUST CAUSES

1. Serious misconduct
 2. Gross and habitual neglect of duties
 3. Fraud or willful breach of trust
 4. Commission of a crime or offense
 5. Other analogous causes
-

If asked:

"Enumerate the authorized causes."

ARTICLE 298

1. Installation of labor-saving devices
 2. Redundancy
 3. Retrenchment to prevent losses
 4. Closure or cessation of operation
-

If asked:

"What are the elements of abandonment?"

1. Failure to report for work/absence without valid reason
 2. Clear intention to sever the employment relationship
-

If asked:

"What are the four-fold test?"

1. Selection and engagement
 2. Payment of wages
 3. Power of dismissal
 4. Power of control
-

If asked:

"What are the remedies for illegal dismissal?"

1. Reinstatement
 2. Full backwages
 3. Separation pay in lieu of reinstatement, when appropriate
-

If asked:

"What are the two notices in dismissal?"

1. First notice — notice of charges
 2. Second notice — notice of decision
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🚨 BUT DON'T MEMORIZE EVERYTHING EQUALLY

For a **Definition + Enumeration** quiz, I would prioritize:

🔴 LEVEL 1 — MUST KNOW BY HEART

Articles 294–298

- Security of tenure

- Regular employment
- Probationary employment
- Just causes
- Authorized causes
- Separation pay
- Illegal dismissal remedies

ULP

- Employer ULP
- Union ULP
- Yellow Dog Contract
- Run-Away Shop
- Boulwarism
- Featherbedding
- Sweetheart Contract
- Blue-Sky Bargaining

Union

- Right to organize
- Bargaining unit
- Independent union
- Federation

LEVEL 2 — KNOW THE DEFINITION + ELEMENTS

- Abandonment
- Constructive dismissal
- Strained relations
- Fixed-term employment
- Project employment
- Seasonal employment
- Casual employment
- Four-fold test
- Twin notice

LEVEL 3 — UNDERSTAND

- NLRC structure
- Labor Arbiter
- Registration procedures
- Manner of reinstatement
- Computation of backwages