

September 14, 2016

Ms. Annabel Short
Ms. Bobbie Sta. Maria
Business & Human Rights Resource Centre
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Re: Blogspot of the Partidong Manggagawa Regarding Taifini Copper and Conductor, Inc.

Dear Mesdames Short and Sta. Maria,

Good day! I write in behalf of Taifini Copper and Conductor, Inc. (TCCI), a duly organized and existing corporation here in the Philippines in respect of two (2) articles that came out in a blogspot of the Partidong Manggagawa dated September 7 and 9, 2016. Needless to state, the articles are a concern to my client as the things that have been written therein are inaccurate and untrue.

At the onset, TCCI is a corporation which respects the rights of its workers, including the right to self-organization. It has no derogatory record in any government institution in the Philippines as well as internationally in its almost 20 years of existence. Indeed, when it learned about the formation of the union, the right to organize the same was immediately acknowledged by management.

Accusations have been made in the blog to the effect that there are Unfair Labor Practices (Union interference, Union busting and harassment) being committed by the Management of TCCI. These accusations have been prematurely made and are a product of misunderstanding or lack of understanding of the blogger whose information was secured only from a handful of people. The accusations are indeed one-sided.

To set the record straight, below is a chronology of events related to the formation of the Union:

July 29 – The Union president and secretary submitted to the Department of Labor and Employment (DOLE) the requirements for Union registration. On the same day, the DOLE in the performance of its ministerial function issued a Certificate of Registration to Taifini Copper & Conductor, Inc. Workers Association Independent-Union.

3rd week of August – TCCI's Human Resources (HR) Department got hold of all the registration documents submitted by the Union to DOLE. As part of HR's responsibility, these documents were scrutinized mainly for verification and to ensure adherence to set rules/laws in the formation of the Union. The documents show among others that 37 out of the 125 workers signed as attendees to an alleged July 2, 2016 meeting. They represent the membership for the said union.

After the receipt of the documents and thus a confirmation of the Union's registration, news of its formation spread among the workers. Immediately, there were reactions from other workers especially those who had no knowledge of the formation, and even including some of those who

signed up. As a consequence, there was confusion especially from the remaining 88 or majority of the total workers who were not in the list of 37.

Management therefore felt the need to clarify what was going on.

September 2 – Management held a general assembly with all its workers, including union members and officers. In the said assembly, the matter of the formation of the union was discussed and management emphasized that it respects the constitutional right of its workers to self-organize. There were questions and queries raised by the workers addressed to both the management and the union officers. The assembly ended in a peaceful and orderly manner. Management and the Union officers were in fact able to meet briefly after the assembly. The officers were again assured that their rights are and will continue to be respected.

Thereafter, TCCI received a notice of Conference from the DOLE, Region IV-A office directing the Union President and TCCI to appear before the Mediator-arbiter in connection with the Union's Request for SEBA Certification.¹ In DOLE's Department Order 40-I-15, a union established in an unorganized company, with only one legitimate union should file a request for a certification for Sole and Exclusive Bargaining Agent (SEBA). Only after certification can a union be the SEBA of all workers in an establishment. The conference was set last September 9, 2016.

September 9 – The SEBA conference pushed through as scheduled. The union was represented by its president Juan Bayer, its secretary Chona Delmo, and a member of the Partidong Manggagawa (PM), Dennis Sequena. Please note that the same Dennis Sequena of PM was the source of the blog information. TCCI was represented by undersigned. Two other rank-and-file employees attended as parties in interest. The SEBA conference was reset for September 16, 2016, on account of a wrong form used by the union in filing the request for certification. The Minutes are attached hereto for reference.²

In the said September 9, 2016 conference for SEBA certification, Juan Bayer, the union president, submitted to the Med-Arbiter an Unfair Labor Practice (ULP) complaint. (Please see copy of the complaint filed by Juan Bayer).³ Please take note that the form does not specify the nature of the complaint. The reference to the complaint in the blog as a "notice of strike" or the statement that the "workers are threatening to strike" are exaggerations and in-accurate assertions which we believe are meant to sow panic in both TCCI and its customers.

Same day, we received via email, a notice for a conciliation conference on the said ULP complaint.⁴ The conference was held yesterday, September 13, 2016.

September 13 – ULP Conciliation Conference was held. The union was again represented by its President Juan Bayer and *Partido Manggagawa's* Dennis Sequena. Management was represented by the undersigned. TCCI's HR officer also attended having been invited. The conference was orderly and calm, the union being given the opportunity to express their issues. Particularly, they made allegations of a few cases of interference. This was properly and clearly rebutted; we explained that

¹ Please see copy of Notice hereto attached as Annex A.

² Please see copy of Minutes hereto attached as Annex B.

³ Annex C hereof.

⁴ Annex D hereof.

any actions of workers could not have been solicited by Management; if any, such actions could only be voluntary or a result of individual discernment. We expressed respect for their right of self-organization and declared that management is not and will not interfere nor bust the union. On the other hand, they expressed that they will also respect the right of self-organization of workers which includes the right to join or not to join the union. They also recognized the legal exercise of management prerogative. The parties came to an agreement to close the issues on ULP as shown in the minutes of the conference (Please see attached).⁵ The conference was reset to September 23, 2016 to discuss the personal issues of the union president.

The above statement of facts present a picture which entirely contradicts the statements made in the September 7 and 9, 2016 blogs. They show that Management is going through the process and simply exercising its prerogatives.

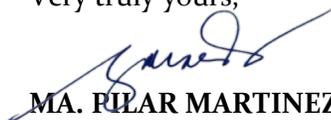
The blogs were premature and may be seen as a form of harassment because they were uploaded days before the conferences set by the DOLE; and notably, the source of the blogs, Dennis Sequena, was fully aware of the setting of these conferences having been an active participant therein. The blogs are therefore a clear source of misinformation the same being one-sided, incomplete and unverified; consequently, it becomes a tool to harm rather than encourage business. As a matter of fact, the statements made therein may be viewed as anti-labor considering its possible repercussions on the business and consequently, the livelihood of the workers.

Needless to state, the blogs came from a third party (PM) which has no in-depth or intimate knowledge of the on-goings within TCCI premises. While we respect the Partidong Manggagawa, they appear to be relying on inaccurate, insufficient and biased information. It cannot be denied that they are talking only to a handful of people who compose the rank and file employees of TCCI. We must not forget the remaining 88 workers whose rights should also be respected and voices heard.

We believe that Management and labor are partners and not adversaries in business building. Management has shown its cooperation and adherence to the workers' rights and established laws and procedures on the matter. Management clearly has recognized the union's existence and is set to participate in whatever processes will be required. However, management will also and always protect its rights and prerogatives.

We therefore seek your understanding on the matter. We believe in the causes and beliefs of your organization and we support what it stands for. We are thankful for this opportunity to explain our side and set the record straight. We are hoping that with this explanation, we would be able to arrest the negative effect of the blog and ensure that there will be no more of the same moving forward. Again, thank you very much. If there is a need for further information or explanation, please do not hesitate to let us know.

Very truly yours,



MA. PILAR MARTINEZ-CAEDO
Legal Counsel-Taifini Copper and Conductor, Inc.

⁵ Annex E hereof.