



LABOR ADVISORY NO. 02
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**RIGHT TO SELF-ORGANIZATION RELATIVE TO THE IMPLEMENTATION
OF K-12 PROGRAM**

Pursuant to Article 3 of the Labor Code of the Philippines, as amended, Rules Implementing Book V of the Labor Code of the Philippines, as amended by Department Order No. 40-03, as further amended, and Section 3 (10) of the DOLE-DEPED-TESDA-CHED Joint Guidelines on the Implementation of the Labor and Management Component of the Republic Act No. 10533 otherwise known as the Enhanced Basic Education Act of 2013, and consistent with the policy directive to strictly implement and enforce the workers' right to self-organization, the following are hereby reiterated:

Section 1. Right to Self-Organization of Personnel in the Higher Educational Institution. - All personnel in the Higher Educational Institution shall enjoy the right to self-organization during the transition period of the implementation of the K-12 Program.

The rights and conditions of membership to faculty association, teaching and non-teaching union or similar organization shall be governed by its constitution and by-laws, and Article 250 {Article 241} of the Labor Code of the Philippines, as amended.

The faculty association, teaching and non-teaching union or similar organization shall be entitled to the rights of legitimate labor organization in accordance with Article 251 {Article 242} of the Labor Code of the Philippines, as amended.

The legal personality of legitimate faculty association, teaching and non-teaching union or similar organization shall not be affected by reason of the displacement of its members unless its registration is cancelled in accordance with Rule XIV, Department Order No. 40-03, series of 2003, as amended.

Members of legitimate faculty association, teaching and non-teaching union or similar organization who are displaced from employment by reason of the implementation of the K-12 Program shall cease their membership unless otherwise provided for in their constitution and by-laws.

The constitution and by-laws shall govern the membership and continued membership of personnel in the Higher Educational Institution to legitimate faculty association, teaching and non-teaching union or similar organization.

All union members shall continue to pay their union dues to the legitimate faculty association, teaching and non-teaching union or similar organization through its responsible officers in the amount and time prescribed by its constitution and by-laws and relevant resolution.

The legitimate faculty association, teaching and non-teaching union or similar organization which is the sole and exclusive bargaining agent shall also be entitled to the agency fee from non-members who enjoy the benefits under the collective bargaining agreement.

When so authorized, the Higher Education Institution shall collect the union dues and agency fees, and remit the same to the concerned legitimate faculty association, teaching and non-teaching union or similar organization.

Section 2. *Intra-union and Inter-union Disputes.* - All intra-union and inter-union disputes shall be initiated pursuant to the provisions of Department Order No. 40-03, series of 2003, as amended.

All intra-union and inter-union disputes shall be resolved in accordance with the constitution and by-laws, Labor Code of the Philippines, as amended, and its implementing rules and regulations as well as prevailing jurisprudence.

Vacancy created due to the displacement of the officers of the legitimate faculty association, teaching and non-teaching union or similar organization shall be filled up in accordance with its constitution and by-laws.

The constitution and by-laws shall also primarily govern the election, regular or special, of officers of the legitimate faculty association, teaching and non-teaching union or similar organization.

Section 3. *Unfair Labor Practice.* - It shall be unlawful for any person to restrain, coerce, discriminate against or unduly interfere with employees and workers in their exercise of the right to self-organization. Such right shall include the right to form, join, or assist labor organizations for purpose of collective bargaining through representatives of their own choosing and to engage in lawful concerted activities for the same purpose or for their mutual aid and protection, subject to the provisions of Article 279 {Article 264} of the Labor Code of the Philippines, as amended.

Be guided accordingly.


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