

CHANROBLES PUBLISHING COMPANY

EXECUTIVE ORDER NO. 111

AMENDING CERTAIN PROVISIONS OF THE LABOR CODE OF THE PHILIPPINES, AS AMENDED

WHEREAS, the welfare of the workers is primary concern of the government;

WHEREAS, it is necessary to amend or repeal provisions of laws, that repress the rights of workers and of their trade unions;

NOW, THEREFORE, I, CORAZON C. AQUINO, President of the Philippines, do hereby order:

SECTION 1. Articles 60 and 61 of the Labor Code of the Philippines are hereby amended to read as follows:

“Art. 60. Employment of apprentices. — Only employers in the highly technical industries may employ apprentices and only in apprenticeable occupations approved by the Minister of Labor and Employment.”

“Art. 61. Contents of apprenticeship agreements. — Apprenticeship agreements, including wage rates of apprentices, shall conform to the rules issued by the Minister of Labor and Employment. The period of apprenticeship shall not exceed six months. Apprenticeship agreements providing for wage rates below the legal minimum wage, which in no case shall start below 75 per cent of the applicable minimum wage, may entered into only in accordance with apprenticeship programs duly approved by the Minister of Labor and

Employment. The Ministry shall develop standard model programs of apprenticeship.”

SECTION 2. Article 128 (b) of the Labor Code of the Philippines is hereby further amended to read as follows:

“(b) The provisions of Article 217 of this Code to the contrary notwithstanding and in cases where the relationship of employer-employee still exists, the Minister of Labor and Employment or his duly authorized representatives shall have the power to order and administer, after due notice and hearing, compliance with the labor standards provisions of this Code and other labor legislation based on the findings of labor regulation officers or industrial safety engineers made in the course of inspection, and to issue writs of execution to the appropriate authority for the enforcement of their order, except in cases where the employer contests the findings of the labor regulation officer and raises issues which cannot be resolved without considering evidentiary matters that are not verifiable in the normal course of inspection.”

SECTION 3. Paragraph (c) of Article 211 of the Labor Code of the Philippines is hereby amended to read as follows:

“(c) to foster the free and voluntary organization of a strong and united labor movement;”

SECTION 4. Paragraph (c) of Article 234 of the Labor Code of the Philippines is hereby further amended to read as follows:

“(c) The names of all its members comprising at least 20 percent of all the employees in the bargaining unit where it seeks to operate;”

SECTION 5. The provisions of Article 258 and the second paragraphs of Article 239 and 241 of the Labor Code of the Philippines relating to the restructuring of the labor movement along one-union-one industry policy, are hereby repealed.

SECTION 6. Article 245 of the Labor Code of the Philippines is hereby amended to read as follows:

“Art. 245. Right of Employees in the public service. — Employees of government corporations established under the Corporation Code shall have the right to organize and to bargain collectively with their respective employees. All other employees in the civil service shall have the right to form associations for purposes not contrary to law.”

SECTION 7. Articles 257 and 258 of the Labor Code of the Philippines are hereby amended to read as follows:

“Art. 257. Representation issues in organized establishments. — In organized establishments, when a petition questioning the majority status of the incumbent bargaining agent is filed before the Ministry within the six-day period before the expiration of the collective bargaining agreement, the Med-Arbiter shall automatically order an election by secret ballot to ascertain the will of the employees in the appropriate bargaining unit. To have a valid election, at least a majority of all eligible voters in the unit must have cast their votes. The labor union receiving the majority of the valid votes cast shall be certified as the exclusive bargaining agent of all the workers in the unit. When an election which provides for three or more choices results in no choice receiving a majority of the valid votes cast, a run-off election shall be conducted between the choices receiving the two highest number of votes.”

“Art. 258. Petitions in unorganized establishments. — In any establishments where there is no certified bargaining agent, the petition for certification election filed by a legitimate labor organization shall be supported by the written consent of a least twenty (20%) per cent of all the employees in the bargaining unit. Upon receipt and verification of such petition, the Med-Arbiter shall

automatically order the conduct of a certification election.”

SECTION 8. Paragraph (c) and (f) of Article 264 of the Labor Code of the Philippines are hereby further amended to read as follows:

“(c) In cases of bargaining deadlocks, the duly certified or recognized bargaining agent may file a notice of strike or the employer may file a notice of lockout with the Ministry at least 30 days before the intended date thereof. In cases of unfair labor practice, the period of notice shall be 15 days and in the absence of a duly certified or recognized bargaining agent, the notice of strike may be filed by a any legitimate labor organization in behalf of its members. However, in case of dismissal from employment of union officers duly elected in accordance with the union constitution and by-laws, which may constitute a union busting where the existence of the union is threatened, the 15-day cooling-off period shall not apply and the union may take action immediately.”

“(f) A decision to declare a strike must be approved by a majority of the total union membership in the bargaining unit concerned, obtained by secret ballot in meeting or referenda called for that purpose. A decision to declare a lockout must be approved by a majority of the board of directors of the corporation or association or the partners in a partnership, obtained by secret ballot in a meeting called for that purpose. The decision shall be valid for the duration of the dispute based on substantially the same grounds considered when the strike or lockout vote was taken. The Ministry may, at its own initiative or upon the request of any affected party, supervise the conduct of the secret balloting. In every case, the union or the employer shall furnish the Ministry the results of the voting at least seven days before the intended strike or lockout, subject to the cooling-off period herein provided.”

SECTION 9. Paragraph (d) of Article 265 of the Labor Code of the Philippines is hereby further amended to read as follows:

“(d) No public official or employee, including officers and personnel of the New Armed Forces of the Philippines or the Integrated National Police, or armed person, shall bring in, introduce or escort in any manner any individual who seeks to replace strikers in entering or leaving the premises of a strike area, or work in place of the strikers. The police force shall keep out of the picket lines unless actual violence or other criminal acts occur therein: Provided, That nothing herein shall be interpreted to prevent any public officer from taking any measure necessary to maintain peace and order, protect life and property, and/or enforce the law and legal orders.”

SECTION 10. The Ministry of Labor and Employment shall cause the renumbering of the affected provisions of the Labor Code of the Philippines, amended.

SECTION 11. The Ministry of Labor and Employment shall promulgate the necessary rules and regulations to implement the provisions of this Executive Order.

SECTION 12. Letter of Instructions No. 1458 date May 1, 1985 is hereby repealed insofar as it allows management to replace striking workers who defy return-to work orders. All other laws, orders, issuances, rules and regulations or parts thereof inconsistent with this Executive Order are hereby repealed or modified accordingly.

SECTION 13. This Executive Order shall take effect fifteen (15) days after its publication in the Official Gazette.

Done in the City of Manila, this 24th day of December in the year of Our Lord, nineteen hundred and eighty-six.