

LABOR MANAGEMENT CONCERNS

IN THE CONTEXT OF THE CHURCH

REV. FR. ENRICO MARTIN F. ADOVISO

Minister, Archdiocesan Ministry for Labor Concerns-RCAM

Commissioner, Commission on Social Services and Development

January 2019

THE SACRED CONGREGATION FOR CATHOLIC EDUCATION

LAY CATHOLICS IN SCHOOLS: WITNESSES TO FAITH

76. The importance of the Catholic school suggests that we reflect specifically on this case; it can serve as a concrete example of how other Catholic institutions should support the lay people who work in them.

In speaking about lay people, this Sacred Congregation has declared without hesitation that " by their witness and behaviour, teachers are of the first importance to impart a distinctive character to Catholic schools ".(54)

*Rome, October 15, 1982, Feast of St. Teresa of Jesus, in the
Fourth Centenary of her death*

WILLIAM Cardinal BAUM , *Prefect*

THE SACRED CONGREGATION FOR CATHOLIC EDUCATION

LAY CATHOLICS IN SCHOOLS: WITNESSES TO FAITH

77. Before all else, lay people should find in a Catholic school an atmosphere of sincere respect and cordiality; it should be a place in which authentic human relationships can be formed among all of the educators.

Priests, men and women Religious, and lay persons, each preserving their specific vocational identity,(55) should be integrated fully into one educational community; and each one should be treated as a fully equal member of that community.

*Rome, October 15, 1982, Feast of St. Teresa of Jesus, in the Fourth Centenary
of her death*

WILLIAM Cardinal BAUM , *Prefect*

THE SACRED CONGREGATION FOR CATHOLIC EDUCATION

LAY CATHOLICS IN SCHOOLS: WITNESSES TO FAITH

78. If the directors of the school and the lay people who work in the school are to live according to the same ideals, two things are essential. First, lay people must receive an adequate salary, guaranteed by a well defined contract, for the work they do in the school: a salary that will permit them to live in dignity, without excessive work or a need for additional employment that will interfere with the duties of an educator.

This may not be immediately possible without putting an enormous financial burden on the families, or making the school so expensive that it becomes a school for a small elite group; but so long as a truly adequate salary is not being paid, the laity should see in the school directors a genuine preoccupation to find the resources necessary to achieve this end.

Secondly, laity should participate authentically in the responsibility for the school; this assumes that they have the ability that is needed in all areas, and are sincerely committed to the educational objectives which characterize a Catholic school. (*See continuation*)

Rome, October 15, 1982, Feast of St. Teresa of Jesus, in the Fourth Centenary of her death

WILLIAM Cardinal BAUM, Prefect

THE SACRED CONGREGATION FOR CATHOLIC EDUCATION

LAY CATHOLICS IN SCHOOLS: WITNESSES TO FAITH

CONT... And the school should use every means possible to encourage this kind of commitment; without it, the objectives of the school can never be fully realized. It must never be forgotten that the school itself is always in the process of being created, due to the labour brought to fruition by all those who have a role to play in it, and most especially by those who are teachers.

(56) To achieve the kind of participation that is desirable, several conditions are indispensable: genuine esteem of the lay vocation, sharing the information that is necessary, deep confidence, and, finally, when it should become necessary, turning over the distinct responsibilities for teaching, administration, and government of the school, to the laity.

*Rome, October 15, 1982, Feast of St. Teresa of Jesus, in the
Fourth Centenary of her death*

WILLIAM Cardinal BAUM, Prefect

LABOR MANAGEMENT CONCERNS

FOR THE EMPLOYERS:

- “lay people must receive an adequate salary...”
- “guaranteed by a well defined contract...”
- “a salary that will permit them to live in dignity, without excessive work or a need for additional employment that will interfere with the duties of an educator...”

LABOR MANAGEMENT CONCERNS

FOR THE EMPLOYEES:

- “laity should participate authentically in the responsibility for the school...”
- “this assumes that they have the ability that is needed in all areas, and...”
- “...are sincerely committed to the educational objectives which characterize a Catholic school...”

PROTECTION TO LABOR

According to the Labor Code of the Philippines

“The State shall afford protection to labor, promote full employment, ensure equal work opportunities regardless of sex, race or creed and regulate relations between workers and employers. The State shall assure the rights of workers of self- organizations, collective bargaining, security of tenure and just and humane conditions of work.”

PROTECTION TO LABOR

According to the Manual of Regulations for Private Schools:

“Every private school shall promote the improvement of economic, social and professional status of all its personnel...”

Basic Rights of Labor

1. Right to Just and Living Wage
2. Right to Normal Hours of Work
3. Right to Rest
4. Right to Security of Tenure
5. Right to Self Organization
6. Right to Collective Bargaining
7. Right to Strike
8. Right to Health and Safety
9. Right to Social Security and Welfare
10. Rights of Women and Children

Management Rights

Theories and Sources of Management Rights

1. Property Rights
2. Reserved Rights Theory
3. Implied Obligations Theory

Management Rights

Limits of Management Prerogatives

1. Subject to legal limits, CBA, principle of fair play and justice.
2. In keeping with good faith, not for defeating rights of employees.
3. Absence abuse of discretion, arbitrariness or maliciousness.
4. Employment as a property right; subject to state regulations.
5. Management must inform employees of decisions and modes of action.

Management Rights According to the Labor Code & Jurisprudences

1. The right to establish or close operations
2. The right to recruit and select
3. The right to transfer and promote
4. The right to schedule work, set levels of production
5. The right to fire and terminate employment

Control Test

1. The selection and the engagement of the employee
2. The payment of wages
3. The power of dismissal
4. The power to control the employee's conduct

Settlement of Labor-Management Conflicts/Disputes

1987 Constitution: Sec. 3., Article XIII

“The State shall promote the principle of shared responsibility between workers and employees and the preferential use of voluntary modes in settling disputes, including conciliation, and shall enforce their mutual compliance therewith to foster industrial peace.”

Grievance Machinery

LCP: Book V, Title I, Art. 211 (A); Title VII-A, Art. 260 MRPS: Article XVII, Section 97 “.

Every private school shall provide for amicable internal procedures or remedies, including provisions for voluntary arbitration, as a preferable measure in the settlement of any issue, dispute or grievance arising from employment relations.”

CHALLENGES

1. Knowledge and Appreciation of the Bible, Catechism, and the Catholic Social Teaching as source of Christian Principles, Standards and Guidelines for Conflict Management & Resolution.
2. Training on Labor Relations including Conflict Management Skills.

3. Creation or Maximization of HR Mechanisms and Structures on Conflict Management & Resolutions (e.g. Grievance Machinery, LMCs, dialogues and consultations, etc.) • Knowledge and Adherence to the Labor Code of the Philippines, the Manual of Regulations for Private Schools, MAPSA Employees' Manual and other references of code and standards.
4. Establishing of regular Orientation on Institutional Policies and Regulations; Venues of Dialogues and Consultations; Standards of Accountability and Transparency.

FINALLY, the our weighing scale

“You are the people of God...you must clothe yourself with compassion, kindness, humility, gentleness and patience. Be tolerant with one another whenever any of you has a complaint against someone else.”
- Col.3:12-13

“If your brother sins against you, go to him and show him his fault. But do it privately, just between yourselves, if he listens to you, you have won your brother back. But if he will not listen to you, take one or two others with you, so that ‘every accusation may be by the testimony of two or more witnesses, as the scriptures says. And if he will not listen to them, then tell the whole thing to the church. Finally, if he will not listen to the church, treat him as though he were a pagan or a tax collector.” - Matthew 18:15-17

“If you have love for one another, then everyone will know that you are my disciples.” - John 13:35

MARAMING SALAMAT PO!

REV. FR. ENRICO MARTIN F. ADOVISO

Minister, Archdiocesan Ministry for Labor Concerns-RCAM

Commissioner, Commission on Social Services and Development

January 2019