DEPARTMENT OF LABOR AND EMPLOYMENT
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DATE: 10-20-11
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Republic of the Philippines
DEPARTMENT OF LABOR AND EMPLOYMENT
Intramuros, Manila

ADMINISTRATIVE ORDER NO. 441
Series of 2011

REVISED POLICIES ON THE SETTLEMENT OF GRIEVANCES IN THE DEPARTMENT OF LABOR AND EMPLOYMENT

In the interest of the service and pursuant to Civil Service Commission Memorandum Circular No. 02, series of 2001, the following policies shall govern grievance handling in the DOLE Central and Regional Offices that will promote harmony in the workplace, thereby foster organizational productivity.

I. BASIC POLICIES

a. The Grievance Machinery shall serve as workplace-based mechanism to resolve differences and conflicts in a convenient, prompt, and efficient way. However, if not settled at the lowest level possible, an aggrieved party shall present his/her grievance step by step following the hierarchy of positions.

b. The aggrieved party shall be assured freedom from coercion, discrimination, retaliation, reprisal and biased action on the grievance.

c. Grievance proceedings shall not be bound by the technical rules of evidence and procedures. Even verbal grievance must be acted upon expeditiously. The services of a legal counsel shall not be allowed.

d. Supervisors or officials who refuse to take action on a grievance brought to their attention shall be charged for neglect of duty in accordance with existing civil service laws, rules and regulations by the aggrieved party or management or both.

e. Confidentiality of the proceedings shall be observed.

II. OBJECTIVES

The Grievance Machinery is intended to help promote wholesome and desirable personnel relations within the Department; prevent personnel discontent and dissatisfaction; and have the grievances acted upon as expeditiously as possible.

Generally, these policies aim to create a work atmosphere conducive to sound supervisor-employee relations and improve personnel morale.

Specifically, these are intended to:

a. strengthen the Department's existing Grievance Machinery;

b. settle grievances at the lowest level possible in the organization; and,

c. serve as a catalyst for the development of capabilities of personnel on dispute settlement in the Department.

III. COVERAGE

These policies apply to all levels of officials and employees in the DOLE.

However, Attached Agencies are encouraged to replicate this grievance mechanism for implementation in their respective agencies.

IV. DEFINITION OF TERMS

Accredited or Recognized Employees Union/Association - an employees union/association accredited pursuant to Executive Order No. 180 (Providing Guidelines for the Exercise of the Right to Organize of Government Employees, Creating a Public Sector Labor-Management Council and for Other Purposes), and its implementing rules and regulations as amended.

Aggrieved Party - refers to a personnel who has grievance or raises issues cognizable through the grievance machinery.

Grievance - is a work-related discontentment or dissatisfaction which had been expressed verbally or in writing and which in the employee's opinion has been ignored or not properly acted upon.

Grievance Machinery - a system or method of determining and finding the best way to address the specific cause/s of a grievance.

Grievance Committee - refers to the duly constituted body authorized to conduct investigation and hearing and render decision which disposes of the grievance.

Higher Supervisor - refers to the Service, Bureau, Regional/Assistant Regional Director/Field Office Head who exercises supervision over the aggrieved party directly or indirectly.

Immediate Supervisor - refers to a person to whom the aggrieved party directly reports.

Intra-Union Issue - refers to an issue between the members of the same union/association arising from violation of the rights and conditions of union/association membership or of the union/association constitution and by-laws.

Inter-Union Issue - refers to an issue between and among the legitimate employees organizations involving questions of representation for purposes of collective negotiation.

Management - refers to officials occupying executive and managerial positions in the civil service (Directors and above).

Rank-and-file - refers to employees occupying first and second level positions in the civil service.

V. GRIEVABLE ISSUES

The following issues shall be resolved through the Grievance Machinery:

a. Non-implementation of policies, practices and procedures on economic and financial issues and other terms and conditions of employment fixed by law including salaries, incentives, working hours, leave benefits;

b. Non-implementation of policies, practices and procedures which affect personnel from detail, transfer, retirement, termination, lay-offs, and other related issues;

c. Inadequate physical working conditions;

d. Poor interpersonal relationships and linkages; and

e. All other work-connected matters giving rise to personnel dissatisfaction and discontentment.

The following cases shall not be acted upon through the Grievance Machinery:

a. Disciplinary cases which shall be resolved pursuant to the Uniform Rules on Administrative Cases;

b. Protest on appointments, pursuant to Civil Service Commission Memorandum Circular No. 4, series of 2010;

c. Sexual harassment cases as provided for in Republic Act 7877; and

d. Union-related issues and concerns.

VI. GRIEVANCE COMMITTEE

A. Composition:

DOLE Grievance Committee

Chairperson : Cluster Head for Internal Affairs

Members : Director of the Office/Service/Bureau/ Regional Office
Concerned Representative, DOLE Sole and Exclusive Negotiating Agent

Secretariat : Human Resource Development Service

Office Grievance Committee (for Central Offices and Regional Offices)

Chairperson : Head of Office

Members : One (1) Division Chief from the office of the complainant
Two (2) members from the rank-and-file employees; one (1) from the first level and another from the second level. They shall be designated by the DOLE Sole and Exclusive Negotiating Agent and serve for a term of two (2) years. The first level representative shall participate in the resolution of the grievance of first level employees while the second level representative shall participate in the resolution of grievance of second level employees.

The duly designated Bilis Aksyon Partner (BAP).

Secretariat : HRMO-designate (Bureau/Service)/Internal Management Services Division Head (ROs)

Field Office Grievance Committee

Chairperson : Head of the Field Office

Members : HRMO-designate in the Field Office

One (1) member from the rank-and-file employees who shall serve for a term of two (2) years and who

shall be designated by the DOLE Sole and Exclusive Negotiating Agent.

Should the aggrieved party belong to executive and managerial position of the Department, the grievance shall be lodged with the DOLE Grievance Committee.

B. Responsibilities:

In addition to finding the best way to address specific grievance, the Grievance Committee shall have the following responsibilities:

a. Develop and implement pro-active measures or activities to prevent grievance such as employee assemblies;

b. Conduct dialogue between and among the parties involved;

c. Conduct an investigation and hearing within the prescribed period;

d. Direct the documentation of the grievance including the preparation and signing of written agreements reached by the parties involved;

e. Issue Certification on the Final Action on the Grievance (CFAG) which shall contain, among other things, the following information: history and final action taken by the office/Department on the grievance; and

f. Submit a quarterly report of its accomplishments and status of unresolved grievances to the Office of the Secretary and the Civil Service Commission Regional Office concerned.

The Human Resource Development Service shall devise interventions to ensure the effective implementation of the grievance procedure in all offices of the Department.

VII. GRIEVANCE PROCEDURE

The procedures for seeking redress of grievances shall be as follows:

a. **Discussion with Immediate Supervisor** - A grievance shall be presented verbally or in writing by the aggrieved party to his/her immediate supervisor who shall immediately act on it.

Verbal grievance should be immediately settled by the supervisor. In case the aggrieved party pursues his/her grievance, he/she shall be advised to put it in writing. The supervisor shall inform the aggrieved party of the corresponding action within three (3) working days from the date of submission.

If the object of the grievance is the immediate supervisor, the aggrieved party may bring the grievance to the next higher supervisor.

b. **Appeal to the Higher Supervisor** - If the aggrieved party is not satisfied with the decision, he/she may submit the grievance in writing within five (5) working days to the next higher supervisor who shall render his/her decision in writing within an unextendible period of five (5) working days from receipt of the grievance.

c. **Appeal to the Office Grievance Committee** - If the agreed party is not satisfied with the decision of the next higher supervisor, the grievance may be elevated to the Office Grievance Committee within five (5) working days from receipt of the decision of the next higher supervisor.

The Office Grievance Committee shall conduct an investigation and hearing within an unextendible period of ten (10) working days from receipt of the grievance and render a decision within an unextendible period of five (5) working days after the investigation. If the object of the grievance is the Office Grievance Committee, the aggrieved party may submit the grievance directly to the DOLE Grievance Committee.

d. **Appeal to the Office of the Secretary/DOLE Grievance Committee** - If the aggrieved party is not satisfied with the decision of the Office Grievance Committee, he/she may elevate the grievance within five (5) working days from receipt of the decision to the Office of the Secretary who has the option to act on the grievance or refer it to the DOLE Grievance Committee. As a recommendatory body, the DOLE Grievance Committee shall prepare the decision within ten (10) working days after receipt of the grievance for consideration of the DOLE Secretary. Should the object of the grievance is the DOLE Grievance Committee, the aggrieved party may bring his/her grievance directly to the DOLE Secretary.

e. **Appeal to the Civil Service Commission Regional Office** - If the aggrieved party is not satisfied with the decision of the DOLE Grievance Committee, he/she may appeal or elevate his/her grievance to the Civil Service Commission Regional Office concerned within fifteen (15) working days from receipt of the decision. Together with the appeal, the complainant shall submit a Certification on the Final Action on the Grievance (CFAG).

VIII. GRIEVANCE FORMS (See Annexes)

1. Grievance Form No. 1 (Grievance Form)
2. Grievance Form No. 2 (Grievance Agreement Form)
3. Grievance Form No. 3 (Certificate of Final Action on the Grievance)

IX. EFFECTIVITY

These policies take effect immediately upon approval by the Civil Service Commission and supersede all other issuances inconsistent herewith.

X. COMMITMENT

I hereby commit to implement the provisions of this Grievance Machinery and take necessary action in accordance with existing civil service laws and rules.

ROSALINDA DIMAPILIS-BALDOZ
Secretary

18 October 2011

Approved by:

ATTY. MYRNA V. MACATANGAY
Director IV
Civil Service Commission

Date : OCT 18 2011

Grievance Form
No. 1

Republic of the Philippines
DEPARTMENT OF LABOR AND EMPLOYMENT
Intramuros, Manila

GRIEVANCE FORM

Date Filed

Name of Complainant/Aggrieved Party

Section/Division/Office

Position Title/Designation (if any)

Complainant/Aggrieved Party's Higher Supervisor

Nature/Subject of Complaint/Grievance

Action Desired:

Signature of Complainant/Aggrieved Party

Grievance
Form No. 2

Republic of the Philippines
DEPARTMENT OF LABOR AND EMPLOYMENT
Intramuros, Manila

GRIEVANCE AGREEMENT FORM

Name of Parties to a Complaint/Grievance _____

Name/Subject of Complainant/Grievance _____

Steps toward Settlement _____

Agreement/s Reached

_____

_____

_____

_____

_____

_____

_____

_____

We promise to abide by the above-stated agreement:

_____ _____

Complainant/Aggrieved Party **Subject of Complaint/Grievance**

_____

Chairman of Grievance Committee

Grievance Form No. 3

Republic of the Philippines
DEPARTMENT OF LABOR AND EMPLOYMENT
Intramuros, Manila

CERTIFICATE OF FINAL ACTION ON THE GRIEVANCE

This certifies that the complainant/grievance filed by _____
(Complainant/Aggrieved Party)
on _____ has been acted upon by this Committee on _____.

Final Action Taken: _____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____
Date

_____
Chairperson
Grievance Committee

_____
Chairman of Grievance Committee