



Serbisyo Sibil: Isang Daang Taong Paglilingkod

MC NO. 02, s. 2001

MEMORANDUM CIRCULAR

TO : ALL HEADS OF DEPARTMENTS, BUREAUS, OFFICES, AND AGENCIES OF THE NATIONAL AND LOCAL GOVERNMENTS, INCLUDING STATE UNIVERSITIES AND COLLEGES AND GOVERNMENT-OWNED-AND CONTROLLED CORPORATIONS WITH ORIGINAL CHARTER

SUBJECT : Revised Policies on the Settlement of Grievances in the Public Sector

Pursuant to CSC Resolution No. 010113 dated January 10, 2001, the Commission adopts the Revised Policies on Grievance Machinery which seeks to promote harmony in the workplace, thereby foster the productivity of each member of the organization. These policies, developed and refined in consultation with employee associations and other sectors of the government, are as follows:

1. A grievance shall be resolved expeditiously at all times at the lowest level possible in the agency. However, if not settled at the lowest level possible, an aggrieved party shall present his or her grievance step by step following the hierarchy of positions.
2. All agencies shall establish a grievance machinery that is the best way to address grievance between or among government officials and employees.
3. The aggrieved party shall be assured freedom from coercion, discrimination, reprisal and biased action on the grievance.
4. Grievance proceedings shall not be bound by legal rules and technicalities. Even verbal grievance must be acted upon expeditiously. The services of a legal counsel shall not be allowed.

5. A grievance shall be presented verbally or in writing in the first instance by the aggrieved party to his or her immediate supervisor. The latter shall, within three (3) working days from the date of presentation, inform verbally the aggrieved party of the corresponding action.

If the party being complained of is the immediate supervisor, the grievance shall be presented to the next higher supervisor.

6. Grievance refers to work related issues giving rise to employee dissatisfaction. The following cases shall be acted upon 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, and other related terms and conditions;
- b. Non-implementation of policies, practices and procedures which affect employees from recruitment to promotion, detail, transfer, retirement, termination, lay-offs, and other related issues that affect them;
- c. Physical working conditions;
- d. Interpersonal relationships and linkages;
- e. Protest on appointment and other personnel actions; and
- f. All other matters giving rise to employee dissatisfaction and discontentment outside of those cases enumerated in Item No. 6.

7. 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. Sexual harassment cases as provided for in RA 7877; and
- c. Union-related issues and concerns.

8. Only permanent officials and employees, whenever applicable, shall be appointed or elected as members of the grievance committee.

In the appointment or election of the committee members, their integrity, probity, sincerity and credibility shall be considered.

9. Agencies with regional offices shall establish separate grievance committees in their head and regional offices. The composition is as follows:

a. In the central office, the highest official responsible for Human Resource Management (HRM) shall act as chairperson. In the regional offices, the chairperson shall be the Chief or Head of Administrative Division;

b. Two (2) Division Chiefs or their equivalent positions chosen from among themselves;

c. Two (2) members from the rank-and-file who shall serve for a term of two (2) years and chosen through a general assembly or any other mode of selection to be conducted for the purpose; one from the first level and another from the second level. In offices where there are accredited or recognized employee unions, the rank-and-file representatives shall be those named by the employee union. 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; and

d. The Bilis Aksyon Partner (BAP) duly designated.

In the case of Local Government Units, the Local Chief Executive or his or her duly designated representative shall be appointed as member of the grievance committee.

10. The agency head shall ensure equal opportunity for men and women to be represented in the grievance committee.

11. The agency grievance committee shall develop and implement pro-active measures that would prevent grievance, such as employee assembly which shall be conducted at least once every quarter, "talakayan", counseling, HRD interventions and other similar activities.

12. The personnel unit, in collaboration with the agency grievance committee, shall conduct a continuing information drive on grievance machinery among its officials and employees.

13. The grievance committee may conduct an investigation and hearing within ten (10) working days from receipt of the grievance and render a decision within five (5) working days after the investigation. Provided, however, that where the object of the grievance is the grievance committee, the aggrieved party may submit the grievance to top management.

14. A grievance may be elevated to the Civil Service Commission Regional Office concerned only upon submission of a Certification on the Final Action on the Grievance (CFAG) issued by the grievance committee. The CFAG shall contain, among other things, the following information: history and final action taken by the agency on the grievance.

15. The personnel unit of the agency shall extend secretariat services to the grievance committee.

16. The grievance committee shall establish its own internal procedures and strategies. Membership in the grievance committee shall be considered part of the members' regular duties.


17. The grievance committee shall submit a quarterly report of its accomplishments and status of unresolved grievances to the Civil Service Commission Regional Office.

18. Supervisors or officials who refuse to take action on a grievance brought to their attention shall be liable for neglect of duty in accordance with existing civil service law, rules and regulations.

19. The agency Grievance Machinery shall be submitted to the Civil Service Commission Regional Office concerned for approval. Subsequent amendments shall be subject to CSC approval and shall take effect immediately.

This circular repeals the provisions of CSC Memorandum Circular No. 45, s. 1989 and other issuances on Grievance Machinery which are inconsistent herewith.

Please be guided by the enclosed model in the preparation of your Agency Grievance Machinery which shall be submitted to the Civil Service Commission Regional Office concerned not later than June 30, 2001.


CORAZON ALMA G. DE LEON
Chairman

AGENCY
GRIEVANCE MACHINERY
(A Model)

In line with the Revised Policies on the Settlement of Grievance in the Public Sector contained in CSC Resolution No. 010113, dated January 10, 2001 and implemented through CSC Memorandum Circular No. 02, s. 2001, the Agency hereby adopts the herein Grievance Machinery.

I. BASIC POLICIES

1. A grievance shall be resolved expeditiously at all times at the lowest level possible in the agency. However, if not settled at the lowest level possible, an aggrieved party shall present his or her grievance step by step following the hierarchy of positions.
2. All agencies shall establish a grievance machinery that is the best way to address grievance between or among government officials and employees.
3. The aggrieved party shall be assured freedom from coercion, discrimination, reprisal and biased action on the grievance.
4. Grievance proceedings shall not be bound by legal rules and technicalities. Even verbal grievance must be acted upon expeditiously. The services of a legal counsel shall not be allowed.
5. A grievance shall be presented verbally or in writing in the first instance by the aggrieved party to his or her immediate supervisor. The latter shall, within three (3) working days from the date of presentation, inform verbally the aggrieved party of the corresponding action.

If the party being complained of is the immediate supervisor, the grievance shall be presented to the next higher supervisor.

6. Grievance refers to work related issues giving rise to employee dissatisfaction. The following cases shall be acted upon 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, and other related terms and conditions;
- b. Non-implementation of policies, practices and procedures which affect employees from recruitment to promotion, detail, transfer, retirement, termination, lay-offs, and other related issues that affect them;
- c. Physical working conditions;
- d. Interpersonal relationships and linkages;
- e. Protest on appointments; and
- f. All other matters giving rise to employee dissatisfaction and discontentment outside of those cases enumerated in Item No. 6.

7. 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. Sexual harassment cases as provided for in RA 7877; and
- c. Union-related issues and concerns.

8. Only permanent officials and employees, whenever applicable, shall be appointed or elected as members of the grievance committee.

In the appointment or election of the committee members, their integrity, probity, sincerity and credibility shall be considered.

9. Agencies with regional offices shall establish separate grievance committees in their head and regional offices. The composition is as follows:

a. In the central office, the highest official responsible for Human Resource Management (HRM) shall act as chairperson. In the regional offices, the chairperson shall be the Chief or Head of Administrative Division;

b. Two (2) Division Chiefs or their equivalent positions chosen from among themselves;

c. Two (2) members from the rank-and-file who shall serve for a term of two (2) years and chosen through a general assembly or any other mode of selection to be conducted for the purpose; one from the first level and another from the second level. In offices where there are accredited or recognized employee unions, the rank-and-file representatives shall be those named by the employee union. 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; and

d. The Bilis Aksyon Partner (BAP) duly designated.

In the case of Local Government Units, the Local Chief Executive or his or her duly designated representative shall be appointed as member of the grievance committee.

10. The agency head shall ensure equal opportunity for men and women to be represented in the grievance committee.

11. The agency grievance committee shall develop and implement pro-active measures that would prevent grievance, such as employee assembly which shall be conducted at least once every quarter, "talakayan", counseling, HRD interventions and other similar activities.

12. The personnel unit, in collaboration with the agency grievance committee, shall conduct a continuing information drive on grievance machinery among its officials and employees.

13. The grievance committee may conduct an investigation and hearing within ten (10) working days from receipt of the grievance and render a decision within five (5) working days after the investigation. Provided, however, that where the object of the grievance is the grievance committee, the aggrieved party may submit the grievance to top management.

14. A grievance may be elevated to the Civil Service Commission Regional Office concerned only upon submission of a Certification on the Final Action on the Grievance (CFAG) issued by the grievance committee. The CFAG shall contain, among other things, the following information: history and final action taken by the agency on the grievance.

15. The personnel unit of the agency shall extend secretariat services to the grievance committee.

16. The grievance committee shall establish its own internal procedures and strategies. Membership in the grievance committee shall be considered part of the members' regular duties.

17. The grievance committee shall submit a quarterly report of its accomplishments and status of unresolved grievances to the Civil Service Commission Regional Office.

18. Supervisors or officials who refuse to take action on a grievance brought to their attention shall be liable for neglect of duty in accordance with existing civil service law, rules and regulations.

19. The agency grievance machinery shall be submitted to the Civil Service Commission Regional Office concerned for approval. Subsequent amendments shall be subject to CSC approval and shall take effect immediately.

II. OBJECTIVES

1. General

Create a work atmosphere conducive to good supervisor-employee relations and improved employee morale.

2. Specific

2.1 Activate and strengthen agency's existing grievance machinery;

2.2 Settle grievances at the lowest possible level in the organization; and

2.3 Serve as a catalyst for the development of capabilities of personnel on dispute settlement, especially among supervisors in the agency.

III. SCOPE

The Grievance Machinery applies to all levels of officials and employees in the agency. It may also apply to non-career employees whenever applicable.

IV. DEFINITION OF TERMS

Accredited or Recognized Employee Union – an employee union accredited pursuant to Executive Order No. 180 and its implementing rules and regulations.

Bilis Aksyon Partner – is the counterpart Action Officer of the Civil Service Commission under the Mamamayan Muna Program in every agency pursuant to CSC MC No. 3, s. 1994.

Grievance – a work-related discontentment or dissatisfaction which had been expressed verbally or in writing and which, in the aggrieved employee's opinion, has been ignored or dropped without due consideration.

Grievance Machinery – a system or method of determining and finding the best way to address the specific cause or causes of a grievance.

Public Sector Labor-Management Council (PSLMC)- the Council responsible for the promulgation, implementation and administration of the guidelines for the exercise of the right of government employees to organize pursuant to Executive Order No. 180.

V. APPLICATION OF GRIEVANCE MACHINERY

The following instances shall be acted upon 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 such as delay in the processing of overtime pay, unreasonable withholding of salaries and inaction on application for leave;
- b. Non-implementation of policies, practices and procedures which affect employees from recruitment to promotion, detail, transfer, retirement, termination, lay-offs, and other related issues that affect them such as failure to observe selection process in appointment, and undue delay in the processing of retirement papers;
- c. Inadequate physical working conditions such as lack of proper ventilation in the workplace, and insufficient facilities and equipment necessary for the safety and protection of employees whose nature and place of work are classified as high risk or hazardous;
- d. Poor interpersonal relationships and linkages such as unreasonable refusal to give official information by one employee to another;
- e. Protest on appointments; and

- f. All other matters giving rise to employee dissatisfaction and discontentment outside of those cases enumerated above.

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. Sexual harassment cases as provided for in RA 7877; and
- c. Union-related issues and concerns.

VI. GRIEVANCE PROCEDURES

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

1. Discussion with Immediate Supervisor. At the first instance, a grievance shall be presented verbally or in writing by the aggrieved party to his or her immediate supervisor.

The supervisor shall inform the aggrieved party of the corresponding action within three (3) working days from the date of presentation.

Provided, however, that where the object of the grievance is the immediate supervisor, the aggrieved party may bring the grievance to the next higher supervisor.

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

3. Appeal to the Grievance Committee. The decision of the next higher supervisor may be elevated to the grievance committee within five (5) working days from receipt of the decision of the next higher supervisor.

The grievance committee may conduct an investigation and hearing within ten (10) working days from receipt of the grievance and render a decision within five (5) working days after the investigation. Provided, however, that where the object of the grievance is the grievance committee, the aggrieved party may submit the grievance to top management

4. Appeal to Top Management. If the aggrieved party is not satisfied with the decision of the grievance committee, he or she may elevate his or her grievance within five (5) working days from receipt of the decision through the committee to top management who shall make the decision within ten (10) working days after the receipt of the grievance. Provided, however, that where the object of the grievance is the top management, the aggrieved party may bring his or her grievance directly to the Civil Service Commission Regional Office.

5. Appeal to the Civil Service Commission Regional Office. If the aggrieved party is not satisfied with the decision of top management, he or she may appeal or elevate his or her grievance to the Civil Service Commission Regional Office concerned within fifteen (15) working days from the receipt of such decision. Together with the appeal, the aggrieved party shall submit a Certification on the Final Action on the Grievance (CFAG). The Civil Service Commission Regional Office shall rule on the appeal in accordance with existing civil service law, rules and regulations.

VII. GRIEVANCE COMMITTEE

Agencies with regional offices shall establish separate grievance committees in their head and regional offices. The composition and responsibilities are as follows:

Composition

Only permanent officials and employees, whenever applicable, shall be appointed or elected as members of the grievance committee.

In the appointment or election of the committee members, their integrity, probity, sincerity and credibility shall be considered.

The agency head shall ensure equal opportunity for men and women to be represented in the grievance committee.

a. In the central office, the highest official responsible for Human Resource Management (HRM) shall act as chairperson. In the regional offices, the chairperson shall be the Chief or Head of Administrative Division;

b. Two (2) Division Chiefs or their equivalent positions chosen from among themselves;

c. Two (2) members from the rank-and-file who shall serve for a term of two (2) years and chosen through a general assembly or any other mode of selection to be conducted for the purpose; one from the first level and another from the second level. In offices where there are accredited or recognized employee unions, the rank-and-file representatives shall be those named by the employee union. 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; and

d. The Bilis Aksyon Partner (BAP) duly designated.

In the case of Local Government Units, the Local Chief Executive or his or her duly designated representative shall be appointed as member of the grievance committee.

The personnel unit of the agency shall extend secretariat services to the grievance committee.

Responsibilities

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

1. Establish its own internal procedures and strategies. Membership in the grievance committee shall be considered part of the members' regular duties;

2. Develop and implement pro-active measures or activities to prevent grievance such as employee assembly which shall be conducted at least once every quarter, "talakayan", counseling and other HRD interventions. Minutes of the proceedings of these activities shall be documented for audit purposes;
3. Conduct continuing information drive on Grievance Machinery among officials and employees in collaboration with the personnel unit;
4. Conduct dialogue between and among the parties involved;
5. Conduct an investigation and hearing within ten (10) working days from receipt of the grievance and render a decision within five (5) working days after the investigation. Provided, however, that where the object of the grievance is the grievance committee, the aggrieved party may submit the grievance to top management;
6. Direct the documentation of the grievance including the preparation and signing of written agreements reached by the parties involved;
7. 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 agency on the grievance; and
8. Submit a quarterly report of its accomplishments and status of unresolved grievances to the Civil Service Commission Regional Office concerned.

VIII. GRIEVANCE FORMS

The following forms shall be used:

1. Grievance Form

GRIEVANCE FORM	
(Date Filed) _____	
Name of Aggrieved Party _____	Section/Division/Office _____
Position Title/Designation (if any) _____	Aggrieved Party's Higher Supervisor _____
Nature/Subject of Grievance: _____ _____	
Action Desired _____ _____	
	Signature of Aggrieved Party _____

2. Grievance Agreement Form

GRIEVANCE AGREEMENT FORM		
Name of Parties to a Grievance _____		
Nature of the Grievance _____		
Steps toward Settlement _____		
Agreement's Reached _____		
We promise to abide by the above-stated agreement.		
_____ Aggrieved Party	_____ Chairman Grievance Committee	_____ Subject of Grievance

3. Certificate of Final Action on the Grievance

CERTIFICATE OF FINAL ACTION ON THE GRIEVANCE	
This certifies that the grievance filed by _____	
on _____	(Aggrieved Party)
has been acted upon by this Committee on _____	
Final Action Taken: _____	
	_____ Chairman Grievance Committee
Date _____	

IX. EFFECTIVITY

This Grievance Machinery shall take effect immediately upon approval by the Civil Service Commission Regional Office concerned.

X. COMMITMENT

I hereby commit to implement the provisions of this Grievance Machinery and take necessary action in accordance with existing civil service law and rules against supervisors or officials who refuse to act on a grievance brought before their attention.

Agency Head
(Signature over Printed Name)

Date

APPROVED BY:

CSC Regional Director
(Signature over Printed Name)

Date