

**[QUEDANCOR CIRCULAR NO. 419, s. 2006,
October 04, 2006]**

REVISED GUIDELINES ON GRIEVANCE PROCEDURES

I. RATIONALE

By law, the Civil Service Commission is mandated to establish a career service and adopt measures to promote morale, efficiency, integrity, responsiveness, and courtesy in the civil service and to provide leadership and assistance in developing employee relations programs and the improvement of employee morale.

The same law also enjoins every head of agency to ensure the creation of an atmosphere conducive to good supervisor-employee relations and to uplift the morale of employees. Section 35 of PD 807 also provides that employees shall have the right to present their complaints and grievances to management and have them adjudicated as expeditiously as possible in the best interest of the agency, the government as a whole, and the employee concerned. It further provides that each department or agency shall promulgate rules and regulations, governing expeditious, fair and equitable settlement of employee complaints or grievances in accordance with the policies enunciated by the Commission.

The increasing restlessness and dissatisfaction of public servants must be reckoned with particularly now that the right to self-organization of government employees for the furtherance and protection of their common interest has been provided for in the 1987

Constitution and in Executive Order No. 100. With this growing awareness of their rights, the government must provide a machinery where employees' complaints and grievances can be heard and resolved expeditiously at the lowest possible of the organization.

2. OBJECTIVES

General:

Promote employee-management relations thereby fostering harmony and productivity.

Specific:

- 2.1 Establish an orderly method for handling disputes or strengthen the existing machinery;
- 2.2 Settle grievances at the lowest level possible in the organization;
- 2.3 Prevent dissatisfaction of employees and officials;
- 2.4 Settle disputes in accordance with any contract of agreement signed

between management and the recognized negotiating parties within the terms of the agreement;

2.5 Allow the parties to appeal from the results of the grievance negotiation step by step until a final binding and executory decision is reached.

3. SCOPE

The Grievance Machinery applies to all levels of officials and employees in the Corporation. It may also apply to non-career employees. It shall NOT apply to cases of dissatisfaction with official actions finally taken by the agency or in disciplinary cases.

4. LEGAL BASES

4.1 CSC Memorandum Circular No. 45 dated 06 October 1989 as amended by CSC Memorandum Circular No. 2, s. 2001.

4.2 Quedancor Circular No. 409, s. 2006

5. DEFINITION OF TERMS

5.1 *Complaint* - an employee's expressed feelings of dissatisfaction either written or verbal, with some aspects of his work directly affecting his productivity and performance (i.e. working conditions, relationships or status which are outside his control, promotion etc.)

5.2 *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.

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

5.4 *Grievance Committee* - a body created by management pursuant to CSC Memo Circular No. 045 to decide on complaints and appeals made by a complainant on the decision of the next higher supervisor/concerned authority on an employee's complaint/grievance.

5.5 *QUEMAS* - management recognized employees association duly registered with the Securities and Exchange Commission (SEC).

6. STATEMENT OF POLICIES

6.1 General Policies

6.1.1 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.

6.1.2 The aggrieved party shall not be assured freedom from coercion, discrimination, reprisal and biased action on the grievance;

6.1.3 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.

6.1.4 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.

6.1.5 Anonymous complaints shall be accepted in cases where the facts are established and supported by documents subject to the rules and procedures as provided for by CSC MC No. 2.

6.2 Application of Grievance Machinery

The following instances shall be acted upon through the grievance machinery:

6.2.1 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 and other related terms and conditions:

6.2.2 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.

6.2.3 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:

6.2.4 Poor interpersonal relationships and linkages such as but not limited to unreasonable refusal to give official information by one employee to another:

6.2.5 Protest on appointments and all other matters giving rise to employee dissatisfaction 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.

6.3 Filing a Written Grievance

The complainant shall accomplish the grievance form (Annex 1*) and submit the same to the committee secretariat.