



Republika ng Pilipinas
KOMISYON NG SERBISYO SIBIL
(Civil Service Commission)
Quezon City

MC No. 55, s. 1990

MEMORANDUM CIRCULAR

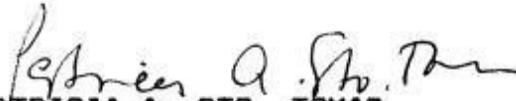
TO : ALL HEADS OF DEPARTMENTS, BUREAUS, OFFICES
AND AGENCIES OF THE NATIONAL AND LOCAL
GOVERNMENTS, STATE COLLEGES AND UNIVERSITIES
INCLUDING GOVERNMENT-OWNED AND/OR CONTROLLED
CORPORATIONS WITH ORIGINAL CHARTERS, AND
ACCREDITED AND RECOGNIZED EMPLOYEES' UNIONS

SUBJECT: Policy Directions on the Right to Collective
Negotiations in the Public Sector

The Civil Service Commission has duly accredited and recognized as negotiating agents of appropriate organizational units, no less than fifty (50) government employees' unions pursuant to Executive Order No. 180 and its implementing rules. Such unions may negotiate with corresponding authorities on terms and conditions of employment not specifically fixed by law, in order to promote and attain harmony and productivity in their respective organizations.

To guide and assist parties in collective negotiations, this Commission has resolved to prescribe the attached policy directions thereof.

For your guidance and compliance.


PATRICIA A. STO. TOMAS
Chairman

December 19, 1990



Republika ng Pilipinas
KOMISYON NG SERBISYO SIBIL
(Civil Service Commission)
Quezon City

RESOLUTION NO. 90 - 1185

WHEREAS, the 1987 Constitution recognizes and encourages the right of government employees to collective negotiations;

WHEREAS, Executive Order No. 180 issued on June 1, 1987 and its Implementing Rules and Regulations which took effect on July 28, 1988, provide that terms and conditions of employment or improvements thereof, except those that are fixed by law, may be the subject of negotiations between accredited unions and appropriate government authorities;

WHEREAS, Executive Order No. 292 which became effective on November 23, 1989 further reiterates that terms and conditions of employment which are not fixed by law may be subject of negotiations between recognized employees' organizations and appropriate government authorities;

WHEREAS, the right to collectively negotiate on terms and conditions of employment in the public sector immediately exists upon the recognition of an employee union or upon its accreditation by the Civil Service Commission as the sole and exclusive negotiating agent of a particular organizational unit;

WHEREAS, several employee unions in the public sector have been properly accredited and recognized as negotiating agents and would want to avail of this right to the fullest;

WHEREAS, statistics over the years have shown that complaints, strikes and work stoppages in the public sector were triggered by discontentment among employees arising from their employer's working relationship, hence, the quantity and quality of output of government operations were adversely affected, exacerbating the economic and social problems of the country; and

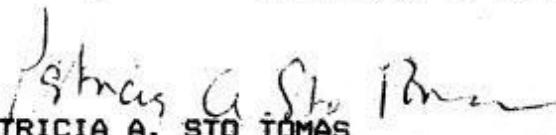
WHEREAS, the Civil Service Commission is aware that poor employee-management relations is usually attributed to the manner agency policies and decisions are made and implemented;

WHEREFORE, the Commission resolved to prescribe the "Policy Directions on Collective Negotiations in the Public Sector" as follows:

1. The Commission recognizes and supports the right of government employees to collective negotiations with appropriate government authorities on terms and conditions of employment not fixed by law;
2. The Commission shall continue to provide technical assistance for the effective exercise of the right to collective negotiations, specifically its integration in the public sector;
3. Employees' unions shall be allowed to present proposals to appropriate authorities which are intended to determine and improve terms and conditions of employment not specifically fixed by law, and a reply thereto shall be made not later than five (5) working days from date of its presentation.
4. Management and union negotiating panels shall be established in every government agency as the need arises, specifically tasked to meet and rationalize proposals and counter proposals that will determine and regulate terms and conditions of employment not fixed by law;
5. The nature and scope of negotiable terms and conditions of employment shall be governed by the implementing rules of Executive Order No. 180;
6. Officials comprising the management side may be authorized to enter into a contract of agreement with a duly accredited union, covering terms and conditions of employment not fixed by law;
7. The format of a contract of agreement may be the subject of negotiations;
8. If differences arise between the negotiating parties as regards proposals and counter proposals either party may request for a conference which shall be held not later than five (5) working days from date of request;

9. If such differences remain unsettled, despite the conference, the Commission, through the Office for Personnel Relations (OPR) shall upon the request of either party or both, or upon its own initiative, as provided for in CSC Memorandum Circular No. 47, series of 1990, immediately call the parties concerned for conciliation meetings;
10. During the conciliation proceedings, the parties are prohibited from committing any act which may impede or disrupt the early settlement of said differences;
11. The OPR shall exert its best efforts to settle the said differences amicably;
12. If no amicable settlement is reached after exhausting avenues of conciliation, the OPR shall certify the dispute for resolution to the Public Sector Labor Management Council (PSLMC) which shall decide the case within forty-five (45) days from the first meeting; and
13. When the negotiating parties eventually reach an agreement, a copy of the contract of agreement shall be submitted to the Commission, through the OPR, for documentation and monitoring.

Done in Quezon city on the 19th day of December, 1990.


PATRICIA A. STO TOMAS
Chairman


SAMILO N. BARLONGAY
Commissioner


MARIO D. YANGO
Commissioner

Attested by:


C.V. Usac
Board Secretary VI

OPR