

LEGAL



Republic of the Philippines
PHILIPPINE RECLAMATION AUTHORITY
(Public Estates Authority)

7th floor, Legaspi Towers 200 Bldg., 107 Paseo de Roxas St., Legaspi Village, 1226 City of Makati
Tel. Nos.: (02) 817-4711 to 13, (02) 813-1411 to 45 • Facsimile No.: (02) 815-2662
Website: www.pea.gov.ph • Email: info@pea.gov.ph

OFFICE ORDER No. 092
Series of 2013

1. Pursuant to the Philippine Reclamation Authority Grievance Machinery (GM) duly approved by the Civil Service Commission, the Grievance Committee is hereby constituted to be composed of the following:

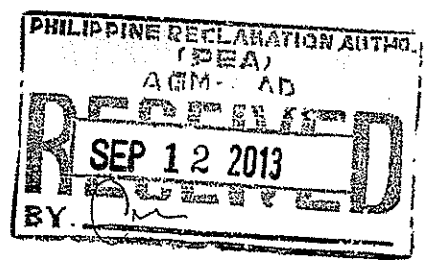
Chairperson:

CRISTINA A. MORTEL
AGM-Legal and Admin. Services

Members:

Two Division Chiefs chosen from among themselves:
Aurea Victoria M. Delos Santos
Emmanuel D. Larracas

Union Representatives:
Erich P. Arpafo - 2nd Level
Josefa V. Garcia - 1st level



2. The Grievance Committee shall have the following responsibilities under the Authority's approved GM:

- a) Establish its own internal procedures and strategies;
- b) 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 and to record the minutes of the proceedings of these activities for audit purposes;
- c) Conduct continuing information drive on Grievance Machinery among officials and employees in collaboration with the Personnel Division;
- d) Conduct dialogue between and among the parties involved;

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 if the object of the grievance is the grievance committee, the aggrieved party may submit the grievance to top management.

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

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

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

Human Resource Management Division shall serve as the committee's Secretariat.

Additional assignment does not entail any additional remuneration.

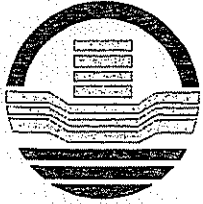
It shall be effective immediately and shall remain in force until revoked.

- Original Signed -

PETER ANTHONY A. ABAYA
General Manager & CEO

2013





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GRIEVANCE MACHINERY

In line with the Revised Policies on the Settlement of Grievance in the Public Sector contained in the CSC Resolution No. 010113, dated January 10, 2001 and implemented through CSC Memorandum Circular No. 02, s. 2001, the Philippine Reclamation Authority (Public Estates Authority) 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. The aggrieved party shall be assured freedom from coercion, discrimination, reprisal and biased action on the grievance.
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.
4. 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.
5. The personnel unit, in collaboration with the agency grievance committee, shall conduct a continuing information drive on grievance machinery among its officials and employees.

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 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 Mamamayan Muna Program in every agency pursuant to CSC MC No. 3, s. 1994.

Grievance – a work-related discontentment 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/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 or 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; and
- e. 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;



- c. Protest on appointments; and
- d. Union-related issues and concerns.

VI. GRIEVANCE PROCEDURE

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

1. **Discussion with Immediate Supervisor.** At first instance, a grievance shall be presented verbally or in writing by 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 five (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**

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

In the designation 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.

The composition and responsibilities of this committee are as follows:

Composition

- a. The Assistant General Manager for Legal and Administrative Services as the highest official responsible for Human Resource Management (HRM) shall act as chairperson;
- b. Two (2) Division Chiefs chosen from among themselves;
- c. Two representatives to be named by the PRA employees Association. The first level representative shall participate in the resolution of the grievance of first level employees, the second level representative shall participate in the

resolution of the grievance of second level employees. The term of office of the rank-and-file representatives shall be two (2) years;

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

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", counselling 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 were the object of the grievance is the grievance committee, the aggrieved party may submit the grievance to the top management.
6. Direct the documentation of the grievance including the preparation and the 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 FORM

The following forms shall be used:

1. Grievance Form

GRIEVANCE FORM	
(Date Filled) _____	
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 forward Settlement _____	
Agreement/s Reached _____ _____	
We promise to abide by the above-stated agreement.	
_____ Aggrieved Party	_____ Subject of Grievance
_____ Chairman Grievance Committee	

3. Certificate Of Final Action On The Grievance

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



