

EIGHTEENTH CONGRESS)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)



HOUSE OF REPRESENTATIVES

House Bill No. 2621

Introduced by
TUCP PARTYLIST REPRESENTATIVE RAYMOND DEMOCRITO C. MENDOZA

AN ACT
STRENGTHENING THE CONSTITUTIONAL RIGHTS OF GOVERNMENT
EMPLOYEES TO SELF-ORGANIZATION, COLLECTIVE NEGOTIATION AND
PEACEFUL CONCERTED ACTIVITIES AND USE OF VOLUNTARY MODES OF
DISPUTE SETTLEMENT

EXPLANATORY NOTE

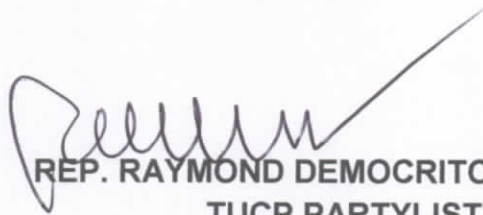
The Philippine government is the single biggest employer in the country. Based on the Labor Force Survey of the Philippine Statistics Authority (PSA) for the July 2018 round, out of the total 26.567 million wage and salary workers, 3.668 million are in the government or government-owned and controlled corporations (GOCCs).

On 14 August 2017, the Philippine Government ratified ILO Convention 151, known as Labour Relations (Public Service) Convention, 1978, or the "*Convention concerning Protection of the Right to Organise and Procedures for Determining Conditions of Employment in the Public Service*" after nine (9) long years of campaigning by the public sector organizations for its ratification. The ratification is expected to usher an era of robust and progressive labor relations environment for the public service.

The 1987 Philippine Constitution recognizes the public sector employees right to self-organization through Article IX-B and this Constitutional guarantee was translated into Executive Order No. 180, Series of 1987, or the "*Guidelines for the Exercise of the Right to Organize of Government Employees, Creating a Public Sector Labor-Management Council, and For Other Purposes*". Executive Order No. 180 and its implementing rules and regulations have since been the governing issuances on public sector labor relations. It has not been amended despite the need and several attempts to do so for an enabling environment for decent work in the public sector and address permeating patronage system, bloated bureaucracy, "transaction costs/corruption in the bureaucracy" and inefficient public service. There are also longstanding observations by the ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR) in respect to gaps in the laws and practices with respect to public sector unionism.

The essentiality of having a robust and progressive labor relations environment cannot be overemphasized. It would create conditions for a professionalized, trained, motivated and efficient public sector employees which are essential ingredients in fostering sustainable good and high quality public service. In fact, the main argument for the ratification of ILO Convention No. 151 was the mobilization of the public sector employees in reforming the bureaucracy and in addressing corruption and widespread "endo" or end of contract engagement of public service employees in core or critical services through job orders or contracts of service, casuals and other forms of contractual work.

With this and the obligation arising from the ratification of ILO Convention No. 151, upgrading Philippine laws and practices on freedom of association and collective bargaining in the public sector is imperative. Hence, this proposed measure to address the gaps in public sector labor relations particularly on: protection of the right to organize, facilities to be afforded to public sector employees' organizations, procedures for determining the terms and conditions of employment, civil and political rights, and settlement of disputes arising or in connection with the determination of terms and conditions of employment.



REP. RAYMOND DEMOCRITO C. MENDOZA
TUCP PARTYLIST

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20 *Be enacted by the Senate and the House of Representatives of the Republic*
21 *of the Philippines in Congress assembled:*
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24 CHAPTER I
25 DECLARATION OF POLICY
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27 SEC. 1. *Short Title.* – This act be known as the “*Public Service Labor Relations Act*
28 *of 2019*”.

29
30 SEC. 2. *Declaration of Policy.* – It is the policy of the State to promote the right to
31 self-organization of government employees, to collective negotiation and peaceful
32 concerted activities including the right to strike in accordance with the law, and the
33 right to participate in policy and decision-making processes affecting their rights and
34 benefits.
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37 CHAPTER II
38 GENERAL PROVISIONS
39

40 SEC. 3. *Coverage.* – This Act shall apply to all employees in the civil service,
41 covering all branches, subdivisions, instrumentalities, and agencies of the
42 government, including government-owned or controlled corporations with or without
43 original charters. For this purpose, employees covered by this Act shall be referred

to as "employees" or "government employees" or "public sector employees" including job orders or contract of service employees and those in the barangay.

SEC. 4. *Definition of Terms.* - As used in this Act:

- (a) **Agency** refers to any bureau, office, commission, administration, board, committee, institute, government-owned and controlled corporation with original charter or any other unit of the national government, as well as provincial, city, municipal government except as hereinafter otherwise provided.
- (b) **Board** means the Public Service Labor Relations Board established in this Act.
- (c) **Bureau** means the Bureau of Labor Relations in the Department of Labor and Employment.
- (d) **Certification election** refers to the process of determining through secret ballot the exclusive bargaining representative of the employees in an appropriate organizational unit for purposes of collective bargaining or negotiation.
- (e) **Certified exclusive union** refers to a duly registered employees' organization which has been certified by the Board as the exclusive bargaining representative having majority support of the agency's rank-and-file employees determined through the conduct of a certification election.
- (f) **Civil Service** refers to the men and women employed to carry out public services in all branches, agencies, subdivisions and instrumentalities of the government including government owned or controlled corporation, local government units, state universities and colleges, and entities and corporations sequestered by the government.
- (g) **Collective bargaining agreement** refers to the negotiated contract at the organizational unit between a certified exclusive bargaining representative and the concerned public authority or appropriate authority, including those negotiated at the sectoral or national levels by sectoral or national federation or confederations with the concerned public authority/ies on the terms and conditions of employment and improvements thereof.
- (h) **Commission** refers to the Civil Service Commission.
- (i) **Conciliation-mediation** is a mode of dispute settlement that brings together two disputing parties to negotiate a mutually acceptable solution through a

non-litigious, non-adversarial, less expensive and expeditious mechanism.

(j) **Confederation** refers to the organization of two or more federations as defined in this Act.

(k) **Department** refers to any of the department in the Executive Branch.

(l) **Employee** refers to any person in the civil service of whatever category or class up to division chief level including those who are engaged under different forms of contractual arrangements in the public service such as job order, contract of service, or on memorandum of understanding. It also includes those whose work has ceased in connection with any current employee-management dispute or unfair labor practice or whose dismissal from the services has not attained finality.

(m) **Entry position** refers to the first level position in the career or non-career service which include clerical, trades, crafts, and custodial service positions that involve non-professional or subprofessional work in a non-supervisory or supervisory capacity requiring less than four years of collegiate studies.

(n) **Federation** is a duly registered labor organization with at least five (5) affiliate employees' organizations, each of which must be a duly certified exclusive bargaining representative in an organizational unit.

(o) **Grievance** refers to any question or employee's complaint regarding his/her working conditions, relationship or employment status including question or interpretation or implementation of any of the provisions of the collective bargaining agreement, or interpretation or enforcement of company personnel policies.

(p) **Inter-union dispute** refers to any conflict between and among registered employees' organization or federation or confederation involving representation questions for purposes of collective bargaining or negotiation or representation or to any dispute other than an intra-union dispute as defined in herein.

(q) **Intra-union dispute** refers to any conflict between and among employees' organization's members, including grievances arising from any violation of the rights and conditions of membership, violation of or disagreement over any provision of the constitution and by-laws, or dispute arising from affiliation.

- (r) **Labor dispute** includes any controversy or matter concerning terms and conditions of employment or the association or representation of persons in negotiating, fixing, maintaining, changing or arranging the terms and conditions of employment, regardless of whether the disputant stands in the proximate relation of employer-employee relations.
- (s) **Labor organization** means any duly registered employees' organization, or duly registered federation or confederation of employees' organizations, which exist in whole or in part for the purpose of collective bargaining or of dealing with the agency or agencies concerning terms and conditions of employment.
- (t) **NCMB** means the National Conciliation and Mediation Board established under Executive Order No. 126.
- (u) **Negotiating unit** refers to the constitutional bodies and their regional offices, the executive department including services and staff bureaus and regional offices, line bureaus and their regional offices, attached agencies, the legislature, the judiciary, state universities and colleges, government-owned and controlled corporations with or without original charter, and, provinces, cities and municipalities.
- (v) **Non-competitive positions** may refer to any of the following:
- (1) *Policy determining position* is one which vests in the occupant the power to formulate policies for the government or any of its agencies, subdivisions, or instrumentalities like that of a member of the cabinet.
 - (2) *Primarily technical position* is one where the occupant enjoys more than the ordinary confidence of the appointing power but bear such close intimacy which relieves the latter from misgiving of betrayal or personal trust on confidential matters of state like that of a personal secretary.
 - (3) *Highly technical position* is one which requires the occupant to possess skill or training in supreme or superior degree, such as scientists or legal counsels.
- (w) **Organizational unit** refers to an identifiable government unit, such as the constitutional bodies and their regional offices; the executive department including services and staff bureaus; line bureaus; attached agencies; the legislature; the judiciary; state universities and colleges; government-owned or controlled corporations with or without original charter; provinces; cities; municipalities; regional offices (composed of provincial, district, local offices) of a department/agency, office, or government-owned or controlled

corporations; and such other identifiable government units as may be considered by the Board.

(x) **Peaceful concerted activities** refers to actions taken by an employees' organization in relation to a labor dispute which may include petitions, hanging of streamers, distribution of campaign materials, conduct of peaceful assembly or wearing of buttons or armed band and does not include any form of work stoppage or disruption of public order and safety, or actions that may pose imminent danger to life, personal safety or health of part or whole of population.

(y) **Position** refers to an occupational title with a defined set of duties and responsibilities to be performed by an individual either on full time or part time basis.

(z) **Public authority or appropriate authority** refers to an authority which has a legal mandate to govern, administer a part or aspect of branches, agencies, subdivisions and instrumentalities of the government including government owned or controlled corporation, local government units, state universities and colleges, and entities and corporations sequestered by the government.

(aa) **Registered union** means any employees' organization or association duly registered with the Bureau of Labor Relations (BLR) and includes any branch or local thereof.

(bb) **Social dialogue** includes all types of negotiations, consultations, or simply exchange of information between or among representatives of government and employees on issues of common interest or relating to economic and social policy.

(cc) **Strike** means any temporary stoppage of work or slow-down by the concerted action of employees as a result of a labor dispute, as defined in this Act.

(dd) **Strike-breaker** means any person who obstructs, impedes, or interferes with by force, violence, correction, threats, or intimidation any peaceful picketing by employees due to a labor dispute, as defined in this Act.

(ee) **Strike area** means the immediate vicinity actually used by picketing employees in moving to and from before all points of entrance and exit from the office of the organizational unit or negotiating unit.

- (ff) **Union or employees' organization** refers to a labor organization formed and operating in an appropriate organizational unit which aim to protect and promote employees' rights and benefits in accordance with the law.
- (gg) **Voluntary arbitration** refers to the constitutionally mandated preferential mode of dispute settlement of labor dispute and as provided under Title VII-A, Book V of the Labor Code of the Philippines, as amended.
- (hh) **Voluntary recognition** refers to the process by which a duly registered employees' organization is recognized as the exclusive bargaining representative of the employees in the organizational unit sought to be represented.

CHAPTER III RIGHT TO SELF-ORGANIZATION

SEC. 5. *Coverage of the Right to Self-Organization.* – All government employee shall have the right to self-organization and to form, join or assist employee organizations, national or sectoral federations or confederations of their own choice for collective bargaining and protection of their interests.

Government employees may also form, in conjunction with appropriate government authorities, employee management committees, work councils and other forms of employee participation schemes.

SEC. 6. *Limitation on the right to self-organization of employees under different forms of public service work arrangements.* – Employees under different forms of public service work arrangements such as job order, contract of service, or on memorandum of understanding or casual, are eligible to join or assist an employees' organization in the organizational unit. They however cannot form a separate employees' organization of their own in an organized organizational unit.

SEC. 7. *Ineligibility of managerial, supervisory or employees in positions of trust to join the rank-and-file union.* – Managerial or supervisory or employees in positions of trust shall not be eligible to join, form or assist any rank-and-file employees' organization. They may however have the right to form or join sectoral, national or international federation or confederation of their own.

Accordingly, membership to the rank-and-file employees' organization when a member is designated to a position which has been declared primarily confidential or policy determining or managerial in nature or by law, shall automatically be deemed suspended for the duration of his/her designation.

SEC. 8. *Exclusion of the members of the Armed Forces Philippines, including police officers and policemen from the right to self-organization.* – Members of the Armed Force of the Philippines, including police officers and policemen having responsibility for the external and internal security of the State are excluded from the coverage of the right to self-organization.

However, firemen and jail guards not being involved in the administration or security of the State shall enjoy the right to organize.

SEC. 9. *Effect of inclusion as members of ineligible or excluded employee in the rank-and-file organization.* – The inclusion of ineligible or excluded government employees, as provided in this Act, in the rank-and-file employees' organization shall not be a ground for the cancellation of union registration, but said employees are automatically deemed removed from the list of membership of the union.

SEC. 10. *Protection of the right to self-organization.* – No government employee shall be discriminated against by reason of their membership in any employees' organization or participation in the exercise of the right to self-organization. Employment in the civil service shall not be subject to a condition not to join, assist or form an employees' organizations. It shall be unlawful for any person to restrain, coerce or interfere with employees' exercise of the right to self- organization.

CHAPTER IV

RIGHTS OF REGISTERED ORGANIZATION AND RIGHTS AND CONDITIONS OF MEMBERSHIP IN AN EMPLOYEES' ORGANIZATION

SEC. 11. *Rights of registered organization.* – A registered employees' organization or federation or confederation shall have the right:

- (a) To act as representative of its members the purpose of representation, social dialogue, collective bargaining and negotiations;
- (b) To be certified as the exclusive bargaining representative of all employees in an organizational unit in the case of employees' organization;
- (c) To be recognized as the bargaining representative of all member-employees' organizations for national or sectoral bargaining on matters pertaining to the welfare and benefits of government employees, in the case of federation or confederation;
- (d) In the case of federations, to issue charter certificate to chartered employees' organization as guarantee of its existence and legitimacy to be the exclusive

bargaining representative of the organizational unit sought to be represented subject however to submission of the charter certificate and accompanying application for registration as provided in this Act;

- (e) To own property, real or personal, for the use and benefit of the organization and its members;
- (f) To sue and be sued in its registered name;
- (g) To be afforded facilities to enable a certified employees' organizations to carry out their functions promptly and efficiently, both during and outside their hours of work, including union or membership dues payroll deduction, time-off for union activities without loss of pay or benefits, access to workplaces and prompt access to management, office spaces and equipment, transport and communication, authorization to post organization or trade union notices, right to attend meetings, and right of assembly; and
- (h) To undertake all other activities not contrary to law, for the benefit of the organization and its members.

Notwithstanding any provision of a general or special law to the contrary, the income and the properties of legitimate employees' organization or federation or confederation, including grants, endowments, gifts, donations and contributions they may receive from fraternal and similar organizations, local or foreign, which are actually, directly and exclusively used for their lawful purposes, shall be free from taxes, duties and other assessments. The exemptions provided herein may be withdrawn only by a special law expressly repealing this provision.

SEC. 12. *Rights and conditions of membership in an employees' organization, federation or confederation.* - The following are the rights and conditions of membership in an employees' organization or federation or confederation:

- (a) No arbitrary or excessive initiation fees shall be required of the members nor shall arbitrary, excessive or oppressive fine and forfeiture be imposed;
- (b) The members shall be entitled to full and detailed reports from their officers and representatives of all financial transactions as provided for in the constitution and by-laws of the organization;
- (c) The members shall directly elect their officers in the employees' organization, as well as their national officers in the federation or confederation to which they are affiliated, by secret ballot at intervals of five (5) years. No qualification requirement for candidacy to any position shall be imposed other than membership in good standing in subject organization, federation or

347 confederation. The secretary or any other responsible officer shall furnish the
348 Board with a list of the newly-elected officers, together with the appointive
349 officers or agents who are entrusted with the handling of funds within thirty
350 (30) calendar days after the election of officers or from the occurrence of any
351 change in the list of officers of the organization;

- 352
353 (d) The members shall determine by secret ballot, after due deliberation, any
354 question of major policy affecting the entire membership of the employees'
355 organization, federation or confederation unless the nature of the organization
356 or force majeure renders such secret ballot impractical, in which case, the
357 board of directors of the organization may make the decision in behalf of the
358 general membership;

- 359
360 (e) No employees' organization, federation or confederation shall knowingly admit
361 as members or continue in membership any individual who belongs to a
362 subversive organization or who is engaged directly or indirectly in any
363 subversive activity;

- 364
365 (f) No person who has been convicted of a crime involving moral turpitude shall
366 be eligible for election as a officer or for appointment to any position in the
367 employees' organization, federation or confederation;

- 368
369 (g) No officer, agent or member of the employees' organization, federation or
370 confederation shall collect any fees, dues, or other contributions in its behalf
371 or make any disbursement of its money or funds unless he/she is duly
372 authorized pursuant to its constitution and by-laws;

- 373
374 (h) Every payment of fees, dues or other contributions by a member shall be
375 evidenced by a receipt signed by the officer or agent making the collection
376 and entered into the record of the employees' organization, federation or
377 confederation to be kept and maintained for the purpose;

- 378
379 (i) The funds of the employees' organization, federation or confederation shall
380 not be applied for any purpose or object other than those expressly provided
381 by its constitution and by-laws or those expressly authorized by written
382 resolution adopted by the majority of the members at a general meeting duly
383 called for the purpose;

- 384
385 (j) Every income or revenue of the employees' organization, federation or
386 confederation shall be evidenced by a record showing its source, and every
387 expenditure of its funds shall be evidenced by a receipt from the person to
388 whom the payment is made, which shall state the date, place and purpose of
389 such payment. Such record or receipt shall form part of the financial records
390 of the organization, federation or confederation.

Any action involving the funds of the employees' organization, federation or confederation shall prescribe after three (3) years from the date of submission of the annual financial report to the Board or from the date the same should have been submitted as required by law, whichever comes earlier: *Provided*, That this provision shall apply only to registered employees' organization or federation or confederation which has submitted the financial report requirements under this Act: *Provided, further*, That failure of any employees' organization, federation or confederation to comply with the periodic financial reports required by law and such rules and regulations promulgated thereunder six (6) months after the effectivity of this Act shall be a ground for disciplinary action against the responsible officer/s;

(k) The officers shall not be paid any compensation other than the salaries and expenses due to their positions as specifically provided for in its constitution and by-laws, or in a written resolution duly authorized by a majority of all the members at a general membership meeting duly called for the purpose. The minutes of the meeting and the list of participants and ballots cast shall be subject to inspection by the Board through the Bureau of Labor Relations as its duly authorized representatives. Any irregularities in the approval of the resolutions shall be a ground for impeachment or expulsion from the employees' organization, federation or confederation;

(l) The treasurer and every officer thereof who is responsible for the account of such organization or for the collection, management, disbursement, custody or control of the funds, moneys and other properties of the organization, shall render to the organization and to its members a true and correct account of all moneys received and paid by him/her since he/she assumed office or since the last day on which he/she rendered such account, and of all bonds, securities and other properties of the organization entrusted to his/her custody or under his/her control. The rendering of such account shall be made:

- (1) At least once a year within thirty (30) days after the close of its fiscal year;
- (2) At such other times as may be required by a resolution of the majority of the members of the organization; and
- (3) Upon vacating his/her office.

The account shall be duly audited and verified by affidavit and a copy thereof shall be furnished the Secretary of Labor.

(m) The books of accounts and other records of the financial activities shall be open to inspection by any officer or member thereof during office hours;

(n) No special assessment or other extraordinary fees may be levied upon the members unless authorized by a written resolution of a majority of all the members in a general membership meeting duly called for the purpose. The secretary of the organization shall record the minutes of the meeting including the list of all members present, the votes cast, the purpose of the special assessment or fees and the recipient of such assessment or fees. The record shall be attested to by the president.

(o) Other than for mandatory activities, no special assessments, attorney's fees, negotiation fees or any other extraordinary fees may be checked off from any amount due to an employee without an individual written authorization duly signed by the employee. The authorization should specifically state the amount, purpose and beneficiary of the deduction; and

(p) It shall be the duty of any organization and its officers to inform its members on the provisions of its constitution and by-laws, collective bargaining agreement, the prevailing labor relations system and all their rights and obligations under existing laws. For this purpose, reasonable dues to finance labor relations seminars and other labor education activities may be assessed.

Any violation of the above rights and conditions of membership shall be a ground for expulsion of the officers from the employees' organization, federation or confederation. At least thirty percent (30%) of the members of an employees' organization or of total number of affiliated employees' organization in the case of federation or confederation, or any member or members specially concerned may report such violation to the Board. The Board shall have the power to hear and decide any reported violation to mete the appropriate penalty.

Criminal and civil liabilities arising from violations of above rights and conditions of membership shall continue to be under the jurisdiction of ordinary courts.

CHAPTER V

PUBLIC SERVICE LABOR RELATIONS BOARD (PSLRB)

SEC. 13. *Public Sector Labor Relations Board (PSLRB); Composition.* – The Civil Service Commission's Personnel Relations Office (CSC-PRO) and the Public Sector Labor Management Council (PSLMC) are hereby abolished and reconstituted as the Public Sector Labor Relations Board (PSLRB), hereinafter referred to as the Board, which is attached to the Office of the President under the Executive Secretary for policy coordination. It shall implement and administer the provisions of this Act and shall be composed of the following:

- 478 (a) Duly appointed government representative with rank equivalent to
479 Undersecretary as fulltime Chairperson;
480
481 (b) Duly elected heads of registered federations or confederations, as members;
482 and
483
484 (c) Duly elected sectoral representatives of one (1) each from the national
485 government agencies (NGAs); the government owned and controlled
486 corporations with or without original charter (GOCCs); the local government
487 units (LGUs); the state universities and colleges (SUCs), local universities and
488 colleges, technical and vocational schools; judiciary; legislative; constitutional
489 bodies; public school teachers and public health workers, as members.
490

491 The Board members shall serve for a term of three (3) years or until their successors
492 shall have been elected in the National Workers' Congress or unless recalled by the
493 organization being represented. There shall be no added emoluments other than
494 work performed in such capacity shall be considered as official time. In no case,
495 however, shall anyone of them serve under holdover capacity for more than one (1)
496 year.
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498 SEC. 14. *Original and exclusive jurisdiction of the Board.* - The Board shall have
499 original and exclusive jurisdiction to hear and decide the following cases:
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- 501 (a) Unfair labor practice;
502 (b) Disputes arising in the course of the conduct of collective negotiations;
503 (c) Disputes on issues resulting from the interpretation or implementation of the
504 grievance machinery;
505 (d) Determination of the presence or absence of strike;
506 (e) Disputes on the issues from the interpretation or implementation of the
507 provision of collective negotiation agreement;
508 (f) Violation of the fundamental rights of workers; and
509 (g) Grave abuse of management prerogatives.
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511 SEC. 15. *Appellate jurisdiction of the Board.* - The Board shall have appellate
512 jurisdiction on decision or orders of the Bureau of Labor Relations on:
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- 514 (a) Representation issues;
515 (b) Inter- and intra-employees' organization, federation or confederation
516 disputes;
517 (c) Issues arising from the election or expulsion of officers of employees'
518 organization, federation or confederation;
519 (d) Certification election; and
520 (e) Verification of voluntary recognition.
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SEC. 16. *Support and assistance of the Civil Service Commission, Department of Labor and Employment, National Conciliation and Mediation Board and law enforcement agencies.* - (a) The Board shall have a number of employees as may be necessary. It shall be supported and assisted by the Civil Service Commission, Department of Labor and Employment and the National Conciliation and Mediation Board (NCMB) in the administration of Public Sector Labor Relations.

(b) Specific to the Department of Labor and Employment, the Bureau of Labor Relations shall continue, pursuant to its existing mandate under Executive Order No. 180, Series of 1987, and the Labor Code of the Philippines, as amended, to conduct hearings on inter or intra-union disputes with respect to public sector organizations, including the registration and cancellation of registration of employees' organization, federation or confederation. The decision of the Bureau shall be appealable to the Board within fifteen (15) calendar days from the date of receipt thereof by the parties.

(c) With respect to the National Conciliation and Mediation Board, an attached agency to the Department of Labor and Employment, for purposes of this Act, it shall create a conciliation-mediation unit and assigned personnel that shall take cognizance of public sector concerns for conciliation-mediation services whether individual or disputes arising from collective bargaining negotiations or interpretations. Unless there is a need for adjustments, the existing guidelines on conciliation-mediation services shall be observed.

(d) Further, a unit for public sector labor relations disputes shall be created from the existing voluntary arbitration system administered by the National Conciliation and Mediation Board as established pursuant to Title VII-A, Book V of the Labor Code of the Philippines, as amended, to take cognizance disputes such as unfair labor practice or assumed cases by the Board or any other cases that the parties may opt to submit to voluntary arbitration subject to existing guidelines and schedule of fees. The Board however, at its option, may directly conduct voluntary arbitration.

Any national or local law enforcement agency or instrumentality of the government may be tapped by the Board to act under its direct and immediate supervision, to enforce and execute its decision, orders, and rulings.

SEC. 17. *Writ of Preliminary Injunction or Temporary Restraining Order.* - The Board may issue a writ of preliminary injunction or temporary restraining order when, on the basis of the allegations in the petition, it is established that the acts complained of involving or arising from an employee-management dispute, if not restrained will cause grave or irreparable injury to any party or render ineffectual any decision in favor of such party.

The Board shall require the petitioner to post a bond and the writ of preliminary injunction or temporary restraining order shall become effective only upon approval of the bond which shall answer for any damage that may be suffered by the party enjoyed if it is finally determined that the petitioner is not entitled to the ancillary relief prayed for.

SEC. 18. *Grounds for Contempt.* – The Board may cite a person for contempt on any of the following grounds:

- (a) Disobedience or resistance to lawful order, decision, rulings, summons or subpoena or any other issuance of the Board, or
- (b) Unlawful interference with the proceedings of the Board, improper conduct tending, directly or indirectly to impede, obstruct, delay or hamper the implementation of any order, decision or ruling as provided in this Act.

SEC. 19. *PSLRB decision.* – Decisions of the Board in the exercise of its appellate jurisdiction are final and executory unless a motion for reconsideration is filed by the aggrieved party within fifteen (15) calendar days from the receipt of the decision and only on the basis of palpable or potent errors. The Board shall not entertain any second motion for reconsideration.

Decisions of the Board, in the exercise of its original or appellate jurisdiction, may be elevated to the Court of Appeals through the extra-ordinary remedy of petition for certiorari.

SEC. 20. *Operations of the Board.* - The Board shall have a Technical Executive Committee (TEC) as its technical and implementing arm and a permanent Secretariat. For this purpose, the following shall be observed:

- (a) The Board shall designate from among themselves the chairperson and members of the Technical Executive Committee, in such numbers as it may deem appropriate. The TEC shall regularly meet to: (1) pre-process issues and concerns and submit recommendations for approval and issuance by the Board; (2) monitor, perform or implement decisions, activities and projects as approved by the Board; and (3) perform such other functions as may be required by the Board.

- (b) The Civil Service Commission's Personnel Relations Office (CSC-PRO) shall be converted as the permanent Secretariat that shall provide technical and secretariat support to the Board and to the TEC.

- (c) The Board may also constitute itself into divisions of three (3) members for efficient functioning and shall convene *en banc* on matters of policy concerns or in case of disagreements in the divisions. But in all cases, the signing authority for decisions of the Board shall be the Chairperson and to be concurred in by a majority

of the members present during the meeting. A quorum to conduct official business of the division or *en banc* shall be determined by the Board.

(d) The Board shall be allocated funds and resources to ensure its operations from the budget of the Civil Service Commission and the Office of the Executive Secretary.

CHAPTER VI REGISTRATION AND CANCELLATION OF REGISTRATION

SEC. 21. *Requirements for registration.* - An employees' organization, federation or confederation shall acquire legal personality and shall be entitled to the rights and privileges under this Act on the date of issuance of a certificate of registration by the Bureau of Labor Relations, which is the central registry of legitimate labor organizations, based on the following requirements:

(a) The application for registration of employees' organization shall be accompanied by the following:

- (1) A statement indicating the name of the applicant employees' organization, its principal address, names of its officers, total number of members and the number of employees in the organizational unit where the applicant seeks to operate;
- (2) Duly ratified constitution and by-laws, minutes of its adoption or ratification and list of members who participated in its adoption and ratification;
- (3) At least ten percent (10%) support signatures of the members of the applicant organization;
- (4) If the applicant union has been in existence for one or more years, copies of its annual financial report; and,
- (5) A registration fee of such amount as maybe determined by the Bureau of Labor Relations, shall be charged upon every application for registration of employees' organizations under this Act.

(b) The application for registration of a chartered employees' organization shall be accompanied by the following:

- (1) Duly authenticated copy of the issued federation charter certificate;
- (2) Duly ratified constitution and by-laws, minutes of its adoption or ratification and list of members who participated in its adoption and ratification;
- (3) If the applicant union has been in existence for one or more years, copies of its annual financial report; and,

(4) A registration fee of such amount as maybe determined by the Bureau of Labor Relations, shall be charged upon every application for registration of employees' organizations under this Act.

(c) The application for registration of federation or confederation shall be accompanied by the following:

- (1) A statement indicating the name of the applicant federation or confederation, its principal address, and the names of its officers;
- (2) Duly ratified constitution and by-laws, minutes of the organizational meeting on its adoption or ratification, and list of affiliated unions and members who participated in its adoption and ratification;
- (3) Copies of registration certificates and affiliation confirmation resolution of at least five (5) affiliate or member labor organizations in the case of federations;
- (4) Copies of registration certificates and affiliation confirmation resolution of at least two (2) affiliate or member federations in the case of confederations;
- (5) If the applicant has been in existence for one or more years, copies of its most recent audited financial statement; and,
- (6) A registration fee of such amount as maybe determined by the Bureau of Labor Relations, shall be charged upon every application for registration of employees' organizations under this Code.

(d) All applications for registration and its accompanying documents as stated shall be verified under oath by the applicant's secretary or treasurer and attested to by its president.

SEC. 22. *Incomplete application; Non-denial.* – Incomplete application for registration shall not be accepted. Complete application for registration on the other hand, shall be deemed approved upon receipt by the Bureau.

SEC. 23. *Reportorial Requirements; Probative value.* – All registered employees' organization shall annually submit an organizational report such as the elected officers, principal address, audited annual financial statement and updated list of members with list of set of officers, complete address and contact persons. The reportorial requirements submitted to the Bureau shall have probative value and shall serve as evidence on the state of affairs of the organization and on issues internal or subject of intra-organizational dispute. Non-submission of reportorial requirements shall not be a ground for cancellation of registration.

SEC. 24. *Grounds for cancellation of registration.* – A petition for the cancellation of registration of an employees' organization or federation or confederation is an

independent proceedings filed by at least forty percent (40%) of the total membership of the subject organization before the Bureau on the ground of misrepresentation, false statement or fraud in the formation of the organization. No *motu proprio* or administrative cancellation of registration by the Bureau or by the Board shall be allowed.

SEC. 25. *Effect of pendency of a petition for cancellation of registration.* - The pendency of the petition for cancellation of registration shall not affect the legitimate personality of the employees' organization and all the rights appurtenant thereto including the right to participate or file a petition for certification election or be certified as the exclusive bargaining agent or negotiate a collective bargaining agreement, absent a cease and desist order from the Bureau or the Board, in the case of appeal.

SEC. 26. *Bureau report of registration and cancellation to the Board.* - The Bureau of Labor Relations shall make a periodic report on registered and cancelled registration of employees' organizations, federations and confederations to the Public Sector Labor Relations Board.

CHAPTER VII EXCLUSIVE BARGAINING REPRESENTATIVE

SEC. 27. *Certification of exclusive bargaining representative in unorganized organizational unit.* - Duly registered employees' organization, which has the support of at least twenty percent (20%) of the members of the appropriate organizational unit, may petition for certification election before the Board to be certified as the exclusive bargaining representative of the said organizational unit. The Board shall refer the petition to the Bureau of Labor Relations for determination and conduct of a certification election.

The employees' organization who garnered the most number of votes shall be certified by the Board as the exclusive bargaining representative of the rank-and-file employees in the organizational unit sought to be represented.

SEC. 28. *Request for voluntary recognition.* - A duly registered employees' organization may opt to file a request for recognition with the appropriate authority in the organizational unit if it has the support of more than a majority of employees in the organizational unit sought to be represented.

A joint submission, under oath, to the Board of majority support from the members of the organizational unit and confirmation of majority support by the appropriate authority therein shall warrant an issuance for a fifteen (15) days posting in at least two (2) conspicuous places in the organizational unit sought to be represented.

After compliance with the posting requirement, a certificate of recognition shall be issued to the employees' organization as the exclusive bargaining representative.

However, when there are two (2) or more registered employees' organization in the organizational unit sought to be represented at the time the request for recognition was filed with the appropriate authority or there is a question on the claimed majority support, the Board shall direct the Bureau to conduct a certification election to determine the exclusive bargaining representative regardless of the willingness of the appropriate authority to grant recognition.

SEC. 29. *Representation issue in organized organizational unit.* – In organized organizational unit, a duly registered employees' organization may challenge the representative status of the incumbent exclusive bargaining representative by filing with the Board a petition for certification election, with at least twenty percent (20%) support signatures, within the freedom period of sixty (60) days before the expiration of the collective bargaining agreement, which is valid and effective for a period of three (3) years.

All existing registered employees in the organizational unit at the time of filing of the petition for certification election shall be a choice in the certification election.

The employees' organization that garnered a majority of the votes shall be certified by the Board as the exclusive bargaining representative.

CHAPTER VIII COLLECTIVE BARGAINING

SEC. 30. *Levels of collective bargaining.* – Collective bargaining being essentially a social dialogue between all public sector workers and government authority/ies shall be regularly conducted, whether simultaneous or in succession, at the national, sectoral and organizational levels at intervals deemed appropriate by the parties but in no case it shall be conducted beyond three (3) years.

SEC. 31. *National bargaining agreement, Coverage.* – General terms and conditions of employment of national application including the standardization of salaries, allowances and benefits for government employees that require legislative action shall be subject to collective bargaining between representatives of all accredited public sector federations or confederations and national government authorities at regular intervals. Such terms and conditions of employment may include the following:

- (a) Reclassification, review, creation, abolition or upgrading of positions;
- (b) Wages, review and revision of the compensation structure;

- (c) Increase in standard allowances granted uniformly across the government;
- (d) Creation of anti-corruption advocacy and monitoring units at the national, sectoral and organizational units;
- (e) Creation of social dialogue mechanisms at the national, sectoral and organizational units; and
- (f) Such other benefits.

SEC. 32. *Sectoral bargaining agreement.* - Sectoral collective negotiations shall be undertaken on sector specific concerns between elected sectoral representatives and the concerned sectoral government authority, which may include terms and conditions of employment unique to the sector covered and incentives including wage and salary structure as provided under Republic Act No. 10149 or the GOCC Governance Act of 2011.

SEC. 33. *Organizational bargaining agreement; Coverage.* - Personnel enhancements, welfare and benefits, which must not be lower than the national or sectoral standards, may be negotiated at the level of the negotiating unit between the certified employees' union and concerned government authority:

- (a) Schedule of vacation and other leaves;
- (b) Work assignment of pregnant women;
- (c) Personnel growth and development;
- (d) Communication system within the organizational unit;
- (e) Provisions for occupational safety and health;
- (f) Provisions and facilities for handicapped personnel;
- (g) Use of gender and development budget;
- (h) Wellness and physical fitness program;
- (i) Establishment of day care facilities;
- (j) Annual medical/ physical examination;
- (k) Recreational, social, athletic and cultural activities;
- (l) Facilities requiring capital outlays;
- (m) Provident fund (management counterpart);
- (n) Hospitalization, medical and dental services;
- (o) Rice/sugar and other subsidies;
- (p) Travel expenses;
- (q) Other retirement benefits;
- (r) Representation in different committees in the organizational unit, particularly in committees where decisions on employees welfare and development and productivity;
- (s) Work organization;
- (t) Productivity and/or collective negotiation incentive;
- (u) Health maintenance benefit;
- (v) Staple food benefit;

- (w) Disaster Risk Assistance Management Allowance (DRAMA);
(x) Renewal of licenses if a requirement of the work or functions being performed;
and
(y) Free legal assistance for work related cases or in the exercise of the mandate of the office or function.

SEC. 34. *Duty to bargain in good faith.* - Both parties to collective bargaining must make every effort to arrive, in fullest possible terms, at agreed solutions on all matters of mutual interest, which must be observed and mutually carried out in good faith. Good faith includes observance of its binding effect by the parties and their successor-in-interest, even after a change in administration or leadership, of the terms and conditions of their collective bargaining agreement.

Collective agreements at all levels must include a built-in and binding dispute resolution mechanism such as a grievance machinery and resort to voluntary arbitration on issues of implementation or interpretation of its provisions.

SEC. 35. *Registration of Collective Bargaining Agreements.* - Collective negotiations agreements whether national, sectoral or organizational unit specific shall be submitted to the Board for administration and monitoring and to the Bureau for registration, recording and statistical purposes.

CHAPTER IX UNFAIR LABOR PRACTICE

SEC. 36. *Unfair Labor Practice of the Agency.* - The following shall constitute unfair labor practice on the part of the agency:

- (a) Interfering with, restraining or coercing employees in the exercise of their right to self-organizations;
(b) Requiring as a condition of employment that an employee shall join or not join an employee organization, federation/confederation or shall withdraw from one to which s/he belongs;
(c) Discriminating in regard to work schedule, granting of benefits, places of assignment and other terms and conditions of employment in order to encourage or discourage membership in any employee organization;
(d) Terminating the services or discriminating against an employee for having filed charges or express willingness to expose corrupt practices of head/s of agency/ies or members of the board or any government executive;
(e) Refusing to enter into collective negotiations with accredited or certified employee organization;
(f) Violating any of the provision of the collective negotiation agreement;
(g) Union busting;

- (h) Violation of the freedom of association and the right to strike;
(i) Indiscriminate use of management prerogatives; and
(j) Failure to act on any form of violence in the workplace.

SEC. 37. *Unfair labor practice of the employees' organization.* - The following shall constitute unfair labor practice on the part of the employee organizations:

- (a) Restraining or coercing employees in the exercise of their right to self - organization;
(b) The employee organization shall have no right to prescribe its own rules on the acquisition or retention of membership and sustenance of a union;
(c) Causing or attempting to cause the agency head to discriminate against an employee who has not join in the employee organization;
(d) Refusing to negotiate collectively with the duly authorized representative of the agency; and
(e) Violating any of the provision of the collective negotiation agreement.

The heads of offices and other officers of the agency as well as officers and members of an employee organization, who participate in or authorize an unfair labor practice shall be held administratively liable or suspension of not exceeding one (1) year, or both for such participation or grant of authority without prejudice to civil and criminal liability.

CHAPTER X GRIEVANCE MACHINERY AND SETTLEMENT OF DISPUTES

SEC. 38. *Settlement of disputes arising in connection with the determination of terms and conditions of employment.* - There shall be established an independent, efficient, speedy and impartial dispute settlement mechanisms for terms and conditions of employment which starts at the organizational unit through the grievance machinery, third party intervention through conciliation-mediation services unit for unresolved grievance, and voluntary arbitration for all unresolved labor relations-related disputes.

SEC. 39. *Grievance machinery.* - Each department or agency and employees' organization of the organizational unit shall establish and administer a grievance machinery.

Every employee have the right to have his/her grievance adjudicated as expeditiously and as fairly as possible.

A grievance may be filled by an aggrieved employee or by the employee organization to which s/he belongs in accordance with the rules issued by the Board.

SEC. 40. *Conciliation-mediation public sector individual or collective bargaining labor dispute.* – Unresolved grievance, individual or collective bargaining dispute may be processed, at the option of the parties, through the conciliation-mediation services of the NCMB, upon referral by the Board.

SEC. 41. *Voluntary arbitration.* – All labor relations and related disputes in the public sector shall be submitted for voluntary arbitration.

SEC. 42. *Voluntary arbitration unit; Accreditation.* – The voluntary arbitrators for the public sector however shall be accredited by the Board pursuant to an accreditation procedure and requirements it may promulgate which shall include minimum hours of training on public service laws, rules and regulations, and appropriate clearances.

Accredited voluntary arbitrators shall submit regular reports on cases handled to the Board and shall undergo enhancement training on public sector rules and regulations to be listed in the roster of public sector arbitrators of good standing.

SEC. 43. *Assignment of cases; Finality of voluntary arbitration decision.* – In the absence of an agreement by the parties on their voluntary arbitrator/s, the Board shall facilitate the assignment and raffle of cases to arbitrators of good standing.

SEC. 44. *Award or decisions of the voluntary arbitrator/s.* – Awards or decisions of the voluntary arbitrator shall contain the facts and the law on which it is based. It shall be final and executory after ten (10) calendar days from receipt of the copy of the award or decision by the parties unless an appeal is timely filed to the Court of Appeals.

CHAPTER XI STRIKES

SEC. 45. *Right to strike.* – The right of government employees to engage in peaceful concerted activities including the right to strike for purposes of collective bargaining or for mutual benefit and protection shall be recognized and respected provided that the grounds, procedures and cooling off period requirement in Article 278 (formerly 263) of the Labor Code of the Philippines, as amended, shall be observed, and provided further that inter-union or intra-union dispute shall not be a ground for strike.

959 SEC. 46. *Minimum service requirement.* - Considering the nature of public service,
960 the duly registered employees' organization and the appropriate authority in the
961 organizational unit shall ensure a minimum level of continuous service to the public
962 for the duration of the concerted activities or strike.

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964 SEC. 47. *Limited right to strike.* - Firefighters may enjoy a limited right to strike in
965 view of the importance and implications of any interruptions in their functions or
966 services.

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968 SEC. 48. *Compulsory arbitration by the Board in essential services.* - Employees
969 and duly registered employees' organizations in an organizational unit that renders
970 essential services where any interruption will cause imminent danger to the life,
971 safety or health of part or in whole of the population, which include direct patient care
972 in public health institutions, public air traffic control, or prison services, shall be
973 assumed by the Board for speedy conciliation and compulsory arbitration
974 proceedings and resolution.

975
976 SEC. 49. *Compensatory guarantee.* - The Board shall decide or resolve dispute
977 within thirty (30) calendar days from the date of assumption of the labor dispute. The
978 resolution or decision of the Board shall be final and executory ten (10) calendar
979 days from receipt by the parties.

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981 SEC. 50. *No disciplinary action arising from a labor dispute.* - No administrative or
982 disciplinary action shall be imposed against any employee involved in the legitimate
983 exercise of the right to strike or freedom of expression and assembly.

984
985 SEC. 51. *Guarantees against unreasonable searches or arrest arising from a labor*
986 *dispute.* - Pursuant to the Constitutional guarantee on the right of the people to be
987 secured from unreasonable searches and seizures, no search or arrest arising from
988 a labor dispute shall be made except through a valid court warrant. Government
989 prosecutors shall first secure clearance from the Board before taking cognizance of
990 complaints for preliminary investigation and the filing in court of the corresponding
991 information on cases arising out of or related to a labor dispute, including cases with
992 allegations of violence, coercion, physical injuries, assault upon a person in authority
993 and other similar acts of intimidation, or obstructing the free ingress to and egress
994 from the place of operations.

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997 **CHAPTER XII**
998 **REPRESENTATION AND SOCIAL DIALOGUE**
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1000 SEC. 52. *Participation and representation of public sector employees in policy-*
1001 *making bodies and institutions.* - Genuine participation and representation of public
1002 sector employees in policy-making bodies and institutions with provisions for their

representation in the board such as in the Government Service Insurance System (GSIS), Pag-Ibig Fund and PhilHealth shall be upheld at all times. To fully comply with the requirement of representativeness, no appointments of representatives for government employees shall be issued without the concurrence and endorsement of duly registered public sector employees' federation or confederation.

SEC. 53. *Consultative mechanisms in the civil service.* – To make the delivery of government process and services transparent, graft-free and effective, and there is harmonious labor-management relations in the civil service, the Civil Service Commission shall established in the civil service, covering all branches, subdivisions, instrumentalities, and agencies of the government, including government-owned or controlled corporations with or without original charters, a mechanism for social dialogue and consultation with the government employees at the organizational unit.

SEC. 54. *Representation in tripartite policy-making and/or quasi-judicial bodies.* – Public sector employees shall be afforded representation in the National Tripartite Industrial Peace Council and where appropriate, in the regional and industry specific tripartite industrial peace councils lodged at the Department of Labor and Employment including in the Tripartite Voluntary Arbitration Advisory Council (TVAAC) at the National Conciliation and Mediation Board.

SEC. 55. *Presidential social dialogue and consultation.* – The Board, as attached to the Office of the President, shall regularly convene, *motu proprio* or upon request, social dialogue and consultation between the President of the Philippines and the public sector employees organizations on matters of national concern or major policies affecting the civil service.

CHAPTER XIII MISCELLANEOUS PROVISIONS

SEC. 56. *Implementing Rules and Regulations.* – The Department of Labor and Employment and the Office of the Executive Secretary with the Civil Service Commission, Department of Justice, Department of Budget and Management, Department of Interior and Local Government, Commission on Higher Education, along with representatives from the public sector federations and confederations, shall promulgate the necessary implementing rules and regulations within one hundred and twenty (120) days from the effectivity of this Act.

SEC. 57. *Separability Clause.* – If any part or provision of this Act is held unconstitutional or invalid, the other parts or provision hereof which are not affected thereby shall continue to be in full force and effect.

1043 SEC. 58. *Repealing Clause.* – Executive Order No. 180, Series of 1987, is hereby
1044 repealed. All laws, orders, rules or regulations, which are inconsistent or contrary to
1045 the provisions of this Act are hereby amended or repealed accordingly.

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1047 SEC. 59. *Effectivity.* – This Act shall take effect fifteen (15) days after its complete
1048 publication in at least two (2) national newspapers of general circulation.

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1050 **APPROVED.**