



MANILA

May 2, 1983

MINISTRY ORDER)
No. **32**)
Series of 1983)
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SUBJECT: Establishment of the Grievance
Procedure and Grievance
Committees in the Ministry of
Public Works and Highways.

Pursuant to Section 35, Article VIII of Presidential Decree No. 807, the following orders, rules, and regulations are hereby issued/prescribed to cover the adjustment of complaints and grievances of officers and employees in the First and Second levels of the Career Service, in all offices of the Ministry of Public Works and Highways.

1. PURPOSE

The grievance procedure is intended to help promote wholesome and desirable employee relations in this Ministry and as much as possible, prevent employee discontent and dissatisfaction.

2. DEFINITIONS

As used in this rules, the following terms shall have the meaning indicated.

- a. Complaint - means an employee's expressed feelings of dissatisfaction with some aspects of his working conditions, relationship or status which are outside his control.
- b. Grievance - is a complaint which has, in the first instance and in the employee's opinion, been ignored, overridden, or dropped without due consideration.
- c. Grievance Procedure - refers to the method of determining and finding the best way to remedy the specific cause of the complaint or grievance.

3. SCOPE

The following are grievable under this grievance procedure.

- a. Unsatisfactory working conditions;
 - b. Faulty tools or equipment;
 - c. Application of personnel policies, procedures, laws, rules and regulations;
 - d. Arbitrary exercise of discretion;
 - e. Unfair or unjust performance rating.
- c

- f. Inter-personal relations;
- g. Acts of reprisal against an employee for using the grievance procedure;
- h. Any and all matters giving rise to employee dissatisfaction arising from the day to day working relationship between employees or between employee and supervisor.

The following are not grievable under the grievance procedure:

- a. Contents of personnel policies, procedures, laws, rules and regulations;
- b. Wages or salaries, position classification and general employment benefits.
- c. The methods, means and personnel by which work activities are carried out;
- d. Hiring, transfer, assignment and retention of employees within the agency.
- e. Termination, lay-off or suspension from duties because of lack of work, reduction in force or job abolition;
- f. Disciplinary actions, including dismissals, demotions and suspensions.

4. GUIDING PRINCIPLES

Officers and employees of this Ministry shall have the right to present their complaints and/or grievances to the management and to have such complaints and/or grievances adjusted in accordance with these rules, subject to the following principles:

- a. The employee shall first discuss his problem informally with his immediate supervisor before considering the filing of a formal written complaint.
- b. An employee presenting a complaint or grievance shall be assured freedom from coercion, discrimination or reprisal and of a speedy and impartial adjustment of such complaint or grievance.
- c. Complaints and/or grievances shall be settled at the lowest possible level.
- d. The grievance proceedings shall be kept as simple as possible and shall not be bound by the technical rules of evidence. However, all reliable, probative and substantial evidence presented should be taken into account.

- e. The grievance proceedings shall be aimed at determining what is right, not who is right. The best interest of the service and of the employee concerned shall be the ultimate consideration in the adjustment of grievances.
- f. A complaint or grievance shall be considered not only in relation to its alleged object, but also in relation to the personal situation of the complainant.
- g. The right to appeal decisions on grievances in accordance with the provisions of these rules shall not be curtailed.

5. PROCEDURE

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

STEP ONE

- 1. The employee must identify the complaint verbally to the immediate supervisor (Section Chief) in an informal meeting within 30 calendar days after the event or action which is the basis of the complaint.
- 2. The supervisor is required to give a verbal response within three work days following the meeting.

In the oral discussion, the following shall be observed:

- a. The employee shall be put at ease - Every effort shall be exerted to make the employee who has a complaint feel at ease during the oral discussion.
- b. The employee shall be encouraged to talk - The employee shall be allowed to tell or explain his side during the oral discussion.
- c. Privacy in discussion - Oral discussion shall be held in a quiet and secluded spot where the conversation cannot be interrupted or overheard.

- d. The case shall be heard fully - The supervisor shall seek to keep his views and opinions entirely to himself until after the employee has explained his side. Interruptions of any kind shall be avoided except when a clarification of certain points of the employee's complaint is needed.
- e. Determination of Facts, Law and Rules involved - The supervisor shall make a precise determination of the facts constituting the basis of the employee's complaint and he shall discuss with the employee the pertinent Laws, Rules and Regulations and/or Orders which have bearing on the matter.
- f. A definite closure shall be reached - At the end of the discussion, the supervisor must be prepared to state his position clearly, accurately, and without any attitude of ill-feeling towards the employee. He need not immediately give a definite decision, but it shall be rendered within 3 work days from the presentation of the complaint.
- g. Explanation of the decision - The supervisor shall explain his decision fully to the employee citing the reasons for such decision and explaining why the same is for the best interest of the employee, the Office and the Government as a whole.
- h. Implementation of decision - If the complainant agrees or is satisfied with the decision of his/her immediate supervisor or does not submit the grievance in writing within 3 work days after being informed of the decision, the same shall become final and executory and shall be the responsibility of the immediate supervisor who gives the decision to see to it that the same is implemented.
- i. Follow-up and elimination of potential cause of grievance - It shall be the responsibility of the complainant's immediate supervisor to make periodic check-up and inspection or follow-up to see that the situation or conditions contemplated in his decision are carried out and maintained and that potential cause of complaints are corrected or eliminated. It shall be his duty to maintain within his organizational unit, an atmosphere conducive to the promotion of excellent morale.

STEP TWO

1. If the problem is not resolved, or the oral decision is not acceptable to the employee, he may submit his grievance in writing (Grievance Form A) within 3 work days following the supervisor's verbal response through the immediate supervisor, who shall forward the grievance with his comment to the next higher supervisor within 3 work days from receipt thereof.

NOTE

1. Where the object of the complaint or grievance is the chief of the complainant's unit or section or an employee or official of another section in the same division, then the complaint or grievance may be brought orally in the first instance, and then in writing, direct to the Chief of Division. Where the object of the complaint or grievance is the employee's Chief of Division or the personnel of another Division, then the complaint or grievance may be brought orally in the first instance, and then in writing to the next direct level of management.
2. The second step supervisor is required to meet with the grievant within 3 work days after Form A is received. He shall give the employee a written response within 3 work days following the meeting.

STEP THREE

1. If in the second step a written response is not acceptable to the grievant, the employee may indicate (on Form A) his/her desire to advance the grievance to the next higher supervisor within 3 work days after receipt of the supervisor's reply.
2. The third step supervisor is required to meet with the grievant within 3 work days following receipt of Form A. He shall give a written reply within 3 work days after the meeting.

NOTE: If during the course of the grievance procedure, a question arises concerning whether an issue is grievable, the appropriate Grievance Committee is empowered to render a decision. If the Grievance Committee finds that the issue is grievable, it will be returned to the appropriate management step. If it is not, all parties will be advised accordingly. The majority decision of the Grievance Committee on whether an issue is grievable or non-grievable shall be binding and final.

STEP FOUR

If a grievance proceeds through the three management steps and is still not resolved, the employee may elevate his grievance to the appropriate Grievance Committee within 5 work days after receipt of the third management step decision. Upon receipt of the grievance, the Committee shall conduct a hearing, review the issues involved and by majority vote, resolve the grievance within 10 work days of the conclusion of the hearing. The Grievance Committee will render its decision on Form B.

STEP FIVE

If the employee is still not satisfied with the decision of the Grievance Committee, he may appeal to the Minister/Appointing Authority, within 5 work days following receipt of the decision of the Grievance Committee. The decision of the Minister/Appointing Authority is final and binding shall take effect immediately after receipt thereof, by the grievant and all parties affected. The Minister/Appointing Authority will render his decision on Grievance Form C, within 15 work days following receipt of the appeal.

6. THE GRIEVANCE COMMITTEE

The Committee shall be composed of three members: The chairman, one member appointed by management and the third member, to be chosen by the grievant. No one may serve as member of Committee who has been directly involved with the grievance being heard.

The conduct of Committee hearing shall be as follow:

- a. The chairman shall schedule a hearing within a reasonable period following receipt of the grievance during office hours at a suitable time and place.

- b. All members of the Committee shall be present during the hearings and all proceedings of the Committee shall be in writing. For this purpose, the Committee may avail of the services of any stenographer(s) employed in this Ministry.
- c. The grievant shall be given ample time for oral exposition of his grievance. He/She shall cite management principles or sound personnel practices which have been violated by inaction on his grievance, causing detriment to his rights and privileges or to public interest as a whole, if correction is not made on the complained aspect under any of the grievable grounds provided.
- d. The grievant shall not be permitted to dwell on aspects not covered by his grievance in writing.
- e. The officer or employee affected by the grievance shall be allowed by the committee, ample chance to present his side.
- f. Both grievant and the respondent or any officer and employee involved shall be allowed to submit evidence or present witnesses during the committee hearing.
- g. In determining the facts, the Committee shall not be bound by the technical rules on evidence. Instead, it may avail itself of whatever available means in making an inquiry into the actual facts or conditions obtaining in the working situation.
- h. The Grievance Committee shall render its decision within 10 work days of the conclusion of the hearing. The facts found and the reasons for the Committee's decision shall be set forth on Form B.

7. RESPONSIBILITY OF MANAGEMENT

The attitudes, morale and productivity of employees have a direct impact on the effectiveness of the organization. It is the responsibility of management to make sure that corrective actions on employee complaints and grievances are timely and applied consistently. Fairness and objectivity directed at the violations rather than personalities are essential to an effective Grievance Procedure.

8. RESPONSIBILITY OF THE PERSONNEL OFFICER

All written proceedings and records pertaining to employee complaints and grievance shall be kept by the Ministry/Regional/District Personnel Officer.

9. CREATION OF THE GRIEVANCE COMMITTEES

Corollary to the establishment of this Grievance Procedure, there are hereby created "Grievance Committees" in the different Offices of this Ministry, as follows:

A. MINISTRY PROPER

1. Assistant Minister for Legal Affairs - Chairman
2. One official designated by the Assistant Minister concerned - Member
3. One official/employee chosen by the grievant - Member

B. BUREAU

1. Assistant Director - Chairman
2. One official designated by the Division Chief concerned - Member
3. One official/employee chosen by the grievant - Member

C. PROJECT MANAGEMENT OFFICE

1. Assistant Project Manager - Chairman
2. One employee designated by the Unit Chief concerned - Member
3. One employee chosen by the grievant - Member

D. REGIONAL OFFICE

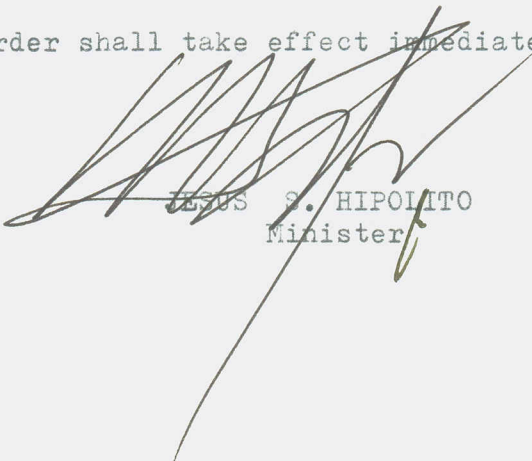
1. Assistant Regional Director - Chairman
2. One official designated by the Division Chief/Equipment Engineer concerned - Member
3. One official/employee chosen by the grievant - Member

E. DISTRICT/CITY ENGINEERING OFFICE

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| 1. Assistant District/City Engineer | - Chairman |
| 2. One employee designated by the Section Chief concerned | - Member |
| 3. One employee chosen by the grievant | - Member |

10. EFFECTIVITY

This Ministry Order shall take effect immediately.



JESUS S. HIPOLITO
Minister

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Republic of the Philippines
MINISTRY OF PUBLIC WORKS AND HIGHWAYS

(Office)

EMPLOYEE: _____
Name Position DivisionNATURE OF GRIEVANCE _____

_____DATE GRIEVANCE OCCURED _____ RELIEF REQUESTED _____

MANAGEMENT STEPS STEP I EMPLOYEE-SUPERVISOR _____ DATE SUBMITTED TO SUPERVISOR

DATE OF VERBAL PRESENTATION TO SUPERVISOR _____ DATE OF FIRST STEP MEETING _____

SUPERVISOR'S FIRST STEP REPLY _____

DATE _____ SUPERVISOR'S SIGNATURE _____

☒ Check this box if you wish to advance your grievance to the second step of the grievance procedure.

STEP 2 EMPLOYEE-NEXT HIGHER LEVEL SUPERVISOR _____ DATE SUBMITTED TO SECOND STEP

DATE OF SECOND STEP MEETING _____ SUPERVISOR'S SECOND STEP REPLY _____

DATE _____ SUPERVISOR'S SIGNATURE _____

☒ Check this box if you wish to advance your grievance to the third step of the grievance procedure.STEP 3 EMPLOYEE-NEXT HIGHER LEVEL SUPERVISOR'S (SEE PROCEDURE) _____ DATE FORWARDED
TO THIRD STEPDATE OF THIRD STEP MEETING _____ SUPERVISOR'S THIRD STEP REPLY _____

DATE _____ SUPERVISOR'S SIGNATURE _____

☒ Check this box if the grievance has not been satisfactorily resolved and you wish to advance the grievance to the Grievance Committee.

Upon checking the above box, this Form must be submitted to the Grievance Committee within 5 work days of receipt of the third step reply.

GRIEVANCE FORM B
GRIEVANCE COMMITTEE DECISION

Grievant _____ Agency/Office _____

Date _____

Place of Hearing _____ Date of Hearing _____

Committee Members :

1. Committee Chairman _____
2. Agency Selection _____
3. Grievant Selection _____

Issue :

Grievance Committee Decision : _____

Reason for Committee Decision : _____

Committee Chairman

Committee Member

Committee Member

Committee to Record the Vote : 3 - 0
2 - 1

NOTE : Committee Chairman shall transmit this decision to the employees, and the Personnel Office within ten (10) work days following conclusion of the hearing. The Personnel Office shall transmit copies of this decision to appropriate supervisors within three (3) work days following receipt of the decision.

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Check this box if the grievance has not been satisfactorily decided and you wish to appeal the Decision of the Grievance Committee to the Minister/Appointing Authority. Upon checking the above box, this Form must be submitted to the Minister/Appointing Authority within five (5) work days from receipt of the Grievance Committee Decision.

GRIEVANCE FORM C
DECISION OF MINISTER/APPOINTING AUTHORITY

Grievant _____ Agency _____

Issue _____

Decision _____

Reason for Decision _____

Date _____

Minister/Appointing Authority

Note: Minister/Appointing authority will transmit this decision to the Personnel Office within fifteen (15) work days following receipt of the appeal. The Personnel Office shall transmit copies of this decision to appropriate supervisors within three (3) work days following receipt of the decision.