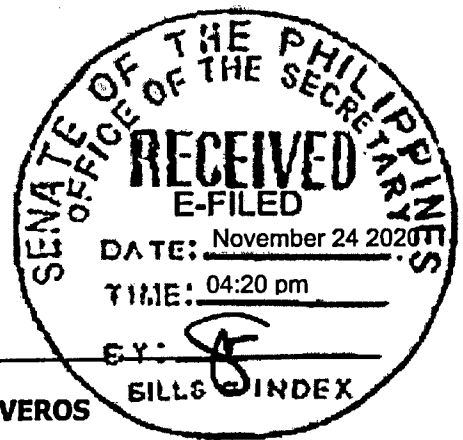


EIGHTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Second Regular Session)

SENATE

S.B. No. 1930



INTRODUCED BY SENATOR RISA HONTIVEROS

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

EXPLANATORY NOTE

The Constitution guarantees the rights of all workers, including those in the government and public sector, which in most countries is the biggest employer, to self-organization, collective bargaining and negotiations, and peaceful concerted activities, including the right to strike in accordance with law. This was affirmed when the Philippine Senate ratified International Labor Organization (ILO) Convention No. 151 on August 14, 2017, highlighting the commitment of our government to provide the country's roughly 2.3 million government employees, civil servants, and other persons employed by public authorities, whether permanent, contractual, casual or job order, the right to decent work, the right to freedom of association, and the right to engage in all other forms of social dialogue, including collective bargaining.

This bill seeks to provide a domestic implementing law for ILO Convention No. 151 by guaranteeing the aforementioned rights of public sector workers, ensuring that the government provides appropriate facilities for the use of their organizations, providing procedures for determining the terms and conditions of employment, and establishing mechanisms for expeditiously settling disputes arising therefrom.

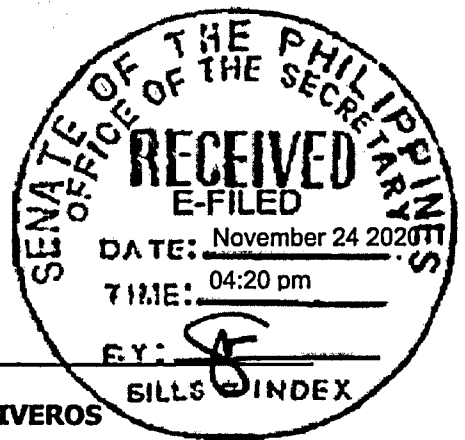
Hence, the immediate passage of this measure is earnestly sought.

Risa Hontiveros
RISA HONTIVEROS
Senator

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

SENATE

S.B. No. 1930



INTRODUCED BY SENATOR RISA HONTIVEROS

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

*Be it enacted by the Senate and House of Representatives of the Philippines in Congress
assembled:*

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21

**CHAPTER I
DECLARATION OF POLICY**

Section 1. *Short Title.* – This Act be known as the “Public Sector Labor Relations Act of 2020.”

Sec. 2. *Declaration of Policy.* – It is the policy of the State to promote the right of government employees to self-organization, collective negotiation, peaceful concerted action, including the right to mass peaceful concerted activities in accordance with law, and the right to participate in policy and decision-making processes affecting their rights and benefits.

**CHAPTER II
GENERAL PROVISIONS**

Sec. 3. *Coverage.* – This Act shall apply to all employees in the civil service, covering all branches, subdivisions, instrumentalities, and agencies of the government, including government-owned or controlled corporations (GOCCs) with or without 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 order or contract of service employees, and those employed by barangays.

Sec. 4. *Definition of Terms.* – As used in this Act:

- 1 (a) *Agency* refers to any bureau, office, commission, administration, board,
2 committee, Institute, GOCC with original charter, or any other unit of the
3 national government, as well as provincial, city, and municipal
4 governments, except as hereinafter otherwise provided;
- 5 (b) *Board* means the Public Service Labor Relations Board established by
6 this Act;
- 7 (c) *Bureau* means the Bureau of Labor Relations of the Department of Labor
8 and Employment;
- 9 (d) *Certification Election* refers to the process of determining, through secret
10 ballot, the exclusive bargaining representative of the employees in an
11 appropriate organizational unit for purposes of collective bargaining or
12 negotiation;
- 13 (e) *Certified Exclusive Union* refers to a duly-registered employees'
14 organization certified by the Board as the exclusive bargaining
15 representative of an agency's rank-and-file employees, as determined
16 by the conduct of a certification election;
- 17 (f) *Civil Service* refers to the men and women employed to carry out public
18 services in all branches, agencies, subdivisions, and Instrumentalities of
19 the government including GOCCs, local government units (LGUs), state
20 universities and colleges (SUCs), and entities and corporations
21 sequestered by the government;
- 22 (g) *Collective Bargaining Agreement* refers to the negotiated contract *vis-à-*
23 *vis* terms and conditions of employment at the organizational unit level
24 between a certified exclusive bargaining representative and the
25 concerned public authority or appropriate authority, including those
26 negotiated at the sectoral or national levels by sectoral or national
27 federations or confederations with the concerned public authorities;
- 28 (h) *Commission* refers to the Civil Service Commission;
- 29 (i) *Conciliation-Mediation* is a mode of dispute settlement that brings
30 together two disputing parties to negotiate a mutually-acceptable
31 solution through an expeditious, non-litigious, non-adversarial, and less
32 expensive mechanism;
- 33 (j) *Confederation* refers to the organization of two or more federations as
34 defined in this Act;
- 35 (k) *Department* refers to any of the department in the Executive Branch;

- 1 (l) *Employee* refers to any person in the civil service of whatever category
2 or class up to division chief level, including those who are engaged under
3 different forms of contractual arrangements in the public service such as
4 job order, contract of service, or memorandum of understanding. It also
5 includes those whose work has ceased in connection with any current
6 employee-management dispute or unfair labor practice or whose
7 dismissal from the service has not attained finality;
- 8 (m) *Entry Position* refers to the first level position in the career or non-career
9 service which include clerical, trades, crafts, and custodial service
10 positions that involve non-professional or subprofessional work in a non-
11 supervisory or supervisory capacity requiring less than four years of
12 collegiate study;
- 13 (n) *Federation* is a duly registered labor organization with at least five (5)
14 affiliate employees' organizations, each of which must be a duly-certified
15 exclusive bargaining representative in an organizational unit;
- 16 (o) *Grievance* refers to any question or complaint regarding an employee's
17 working conditions, relationship or employment status including
18 questions *vis-à-vis* the interpretation, implementation, or enforcement
19 of any of the provisions of a collective bargaining agreement or company
20 personnel policies;
- 21 (p) *Inter-Union Dispute* refers to any conflict between and among registered
22 employees' organizations, federations, or confederations involving
23 representation questions for purposes of collective bargaining,
24 negotiation, or representation, or to any dispute other than an intra-
25 union dispute as defined in herein;
- 26 (q) *Intra-Union Dispute* refers to any conflict between and among the
27 members of an employees' organization, including grievances arising
28 from any violation of the rights and conditions of membership, or any
29 violation of, or disagreement, over any provision of the constitution and
30 by-laws, or any dispute arising from affiliation;
- 31 (r) *Labor Dispute* includes any controversy or matter concerning terms and
32 conditions of employment, or the representation of persons in
33 negotiating, fixing, maintaining, changing, or arranging the terms and
34 conditions of employment, regardless of whether the disputants stand
35 in the proximate relation of employer and employee;

1 (s) *Labor Organization* means any duly-registered employees' organization,
2 or duly-registered federation or confederation of employees'
3 organizations, which exist in whole or in part for the purpose of collective
4 bargaining, or for dealing with government agencies regarding terms
5 and conditions of employment;

6 (t) *NCMB* means the National Conciliation and Mediation Board established
7 pursuant to Executive Order No. 126;

8 (u) *Negotiating Unit* refers to the constitutional bodies and their regional
9 offices, the executive department including services and staff bureaus
10 and regional offices, line bureaus and their regional offices, attached
11 agencies, the legislature, the judiciary, state universities and colleges,
12 government-owned and controlled corporations with or without original
13 charter, and, provinces, cities, municipalities, and other local
14 government units;

15 (v) *Non-Competitive Positions* may refer to any of the following:

16 a. Policy determining positions, which vest in the occupant the
17 power to formulate policies for the government or any of its
18 agencies, subdivisions, or instrumentalities, such as a member of
19 the cabinet;

20 b. Primarily confidential positions, where the occupant enjoys more
21 than the ordinary confidence of the appointing power, but bears
22 such close intimacy which ensures freedom of discussion without
23 embarrassment or misgivings of possible betrayal of personal
24 trust on confidential matters of state, such as a personal
25 secretary; and

26 c. Highly technical positions, which requires the occupant to possess
27 skills or training in a supreme or superior degree, such as a
28 scientist or legal professional.

29 (w) *Organizational Unit* refers to an identifiable government unit, such as
30 the constitutional bodies and their regional offices, the executive
31 department including services and staff bureaus, line bureaus, attached
32 agencies, the legislature, the judiciary, state universities and colleges,
33 government-owned or controlled corporations with or without original
34 charter, provinces, cities, municipalities, and other local government
35 units, regional offices (composed of provincial, district, local offices) of

1 **GIVING OR RECEIVING OF PAYMENTS OR BENEFITS TO ACHIEVE**
2 **THE CONSENT OF A PERSON HAVING CONTROL OVER ANOTHER**
3 **PERSON, OR THROUGH THE USE OF ONLINE OR DIGITAL**
4 **PLATFORMS,** any of the following acts:

5 "(a) To recruit, obtain, hire, provide, offer, transport, transfer, maintain,
6 harbor, or receive a person by any means, including those done under the
7 pretext of domestic or overseas employment or training or apprenticeship,
8 for the purpose of prostitution, pornography, or sexual exploitation,
9 **FORCED LABOR, SLAVERY, INVOLUNTARY SERVITUDE OR DEBT**
10 **BONDAGE;**

11 x x x

12 "(h) To recruit, hire, adopt, transport, transfer, obtain, harbor, maintain,
13 provide, offer, receive or abduct a person, ~~by means of threat or use of~~
14 ~~force, fraud, deceit, violence, coercion, or intimidation~~ for the purpose of
15 removal or sale of organs of said person;

16
17 Sec. 4. Section 5 is hereby amended to read as follows:

18 "*SEC. 5. Acts that Promote Trafficking in Persons.* – The following acts which
19 promote or facilitate trafficking in persons, shall be unlawful:

20 "(a) To knowingly lease or sublease, use or allow to be used any house,
21 building or establishment; or any **VEHICLES OR CARRIERS BY LAND,**
22 **SEA AND AIR; AND ANY OF THEIR ONLINE OR DIGITAL**
23 **PLATFORMS AND APPLICATIONS** for the purpose of promoting
24 trafficking in persons;

25 **"(b) FOR INTERNET SERVICE PROVIDERS, INTERNET CONTENTS**
26 **HOSTS, AND ANY SUCH SIMILAR SERVICE PROVIDERS IN**
27 **INFORMATION AND TECHNOLOGY SECTOR, TO KNOWINGLY**
28 **ALLOW THEIR INFRASTRUCTURE TO BE USED FOR THE PURPOSE**
29 **OF PROMOTING TRAFFICKING IN PERSONS;**

30 **"(c) FOR INTERNET CAFES AND KIOSKS, INCLUDING**
31 **ESTABLISHMENTS OFFERING WI-FI ACCESS SERVICES TO THE**
32 **PUBLIC, TO KNOWINGLY ALLOW ITS FACILITIES TO BE USED FOR**
33 **THE PURPOSE OF PROMOTING TRAFFICKING IN PERSONS;**

34 **"(d) FOR FINANCIAL INTERMEDIARIES, INCLUDING, NOT**
35 **LIMITED TO BANKS AND CREDIT CARD COMPANIES AND MONEY**
36 **TRANSFER OR REMITTANCE CENTERS, TO KNOWINGLY ALLOW**

1 protecting and promoting employees' rights and benefits in accordance
2 with law;

3 (gg) *Voluntary Arbitration* refers to the mode of settling labor disputes by
4 which the parties select a competent, trained and impartial person who
5 shall decide on the merits of the case and whose decision is final,
6 executory and binding; and

7 (hh) *Voluntary Recognition* refers to the process by which a duly-
8 registered employees' organization is recognized by the appropriate
9 authority as the exclusive bargaining representative of the employees in
10 an organizational unit.

11
12 **CHAPTER III**

13 **RIGHT TO SELF ORGANIZATION**

14
15 **Sec. 5. Coverage of the Right to Self-Organization.** – All government employees
16 shall have the right to self-organization, which shall include the right to form, join, or
17 assist employee organizations, national or sectoral federations, or confederations of their
18 own choosing, for collective bargaining and the protection of their interests. Government
19 employees shall also have the right to form, in conjunction with appropriate government
20 authorities, employee management committees, work councils, and other forms of
21 employee participation schemes.

22 **Sec. 6. Limitation on the Right to Self-Organization of Employees under Alternative**
23 **Forms of Public Service Work Arrangements.** - Employees under alternative forms of
24 public service work arrangements such as casual employees or those serving under a job
25 order, contract of service, or memorandum of understanding, shall have the right to join
26 or assist an employees' organization in their organizational unit. However, they shall be
27 prohibited from forming a separate employees' organization of their own in an already-
28 organized organizational unit: Provided, that they shall have the right to form an
29 employees association for their mutual aid and protection.

30 **Sec. 7. Ineligibility of Managerial, Supervisory or Confidential Employees to Join**
31 **the Rank-and-File Union.** – Managerial, supervisory, and confidential employees shall be
32 prohibited from joining, forming, or assisting any rank-and-file employees' organization.
33 However, they shall have the right to form or join sectoral, national, or international
34 federations or confederations of their own. Accordingly, when a member of a rank-and-
35 file employees' organization is designated to a position which has been declared primarily
36 confidential, policy-determining, or managerial in nature, he or she shall automatically be

1 deemed suspended from the rank-and-file employees' organization for the duration of his
2 or her designation.

3 *Sec. 8. Exclusion of the Members of the Armed Forces of the Philippines, Including*
4 *Police Officers from the Right to Self-Organization.* – Members of the Armed Force of the
5 Philippines, including police officers, and other public officers primarily responsible for the
6 external and internal security of the State, are excluded from the coverage of the right
7 to self-organization. However, firemen and jail guards, not being primarily responsible for
8 national security, shall enjoy the right to self-organization. In all instances, civilian or non-
9 uniformed personnel shall be allowed to exercise the right to self-organization.

10 *Sec. 9. Effect of the Inclusion of Ineligible or Excluded Employees in a Rank-and-*
11 *File Organization.* – The inclusion of ineligible or excluded government employees, as
12 provided in this Act, in a rank-and-file employees' organization shall not be a ground for
13 the cancellation of registration, but said ineligible or excluded employees shall be deemed
14 automatically stricken from said organization's membership roll or list.

15 *Sec. 10. Protection of the Right to Self-Organization.* – No government employee
16 shall be discriminated against by reason of his or her membership in any employees'
17 organization or by any other exercise of the right to self-organization. Employment in
18 the civil service shall not be subject to a condition to desist from joining, assisting, or
19 forming an employees' organization. It shall be unlawful for any person to restrain,
20 coerce, or interfere with the exercise by employees of the right to self-organization.

21 22 **CHAPTER IV**

23 **RIGHTS OF REGISTERED ORGANIZATION AND RIGHTS AND CONDITIONS OF** 24 **MEMBERSHIP IN AN EMPLOYEES' ORGANIZATION**

25
26 *Sec. 11. Rights of Registered Organizations.* – A registered employees'
27 organization, federation, or confederation shall have the right:

- 28 (a) To act as representative of its members for the purpose of representation,
29 social dialogue, collective bargaining, and negotiations;
- 30 (b) To be certified as the exclusive bargaining representative of all the employees
31 in an organizational unit in the case of employees' organizations;
- 32 (c) To be recognized as the bargaining representative of all member-employees'
33 organizations for national or sectoral bargaining on matters pertaining to the
34 welfare and benefits of government employees, in the case of federations or
35 confederations;

1 (d) In the case of federations, to issue charter certificates to chartered employees'
2 organizations as a guarantee of their existence and legitimacy to be the
3 exclusive bargaining representative of the organizational unit sought to be
4 represented, subject however to submission of the charter certificate and
5 accompanying application for registration, as provided in this Act;

6 (e) To own property, real or personal, for the use and benefit of the organization
7 and its members;

8 (f) To sue and be sued in its registered name;

9 (g) To be afforded facilities to enable a certified employees' organization to carry
10 out its functions promptly and efficiently, both during and outside hours of
11 work, including union or membership dues payroll deduction, time-off for union
12 activities without loss of pay or benefits, access to workplaces and prompt
13 access to management, office spaces and equipment, transport and
14 communications, authorization to post organization or trade union notices,
15 right to attend meetings, and right of assembly;

16 (h) To act as a watchdog against corruption and illegal activity within the
17 government; and

18 (i) To undertake all other activities not contrary to law, for the benefit of the
19 organization and its members.

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

27 *Sec. 12. Rights and Conditions of Membership in an Employees' Organization,*
28 *Federation, or Confederation.* - The following are the rights and conditions of membership
29 in an employees' organization, federation, or confederation:

30 (a) No arbitrary or excessive initiation fees shall be required of the members, nor
31 shall arbitrary, excessive, or oppressive fines and forfeitures be imposed;

32 (b) The members shall be entitled to full and detailed reports from their officers
33 and representatives of all financial transactions, as provided for in the
34 constitution and by-laws of the organization;

35 (c) The members shall directly elect their officers in the employees' organization,
36 as well as their national officers in the federation or confederation to which

1 they are affiliated, by secret ballot at intervals of not greater than five (5) years.
2 No qualification requirement for candidacy to any position shall be imposed
3 other than membership in good standing in the organization, federation, or
4 confederation. The secretary, or any other responsible officer, shall furnish the
5 Board with a list of newly-elected officers, together with the appointive officers
6 or agents entrusted with the handling of funds, within thirty (30) calendar days
7 after the election of officers, or from the occurrence of any change in the
8 officers of an organization;

9 (d) The members shall determine by secret ballot, after due deliberation, any
10 question of major policy affecting the entire membership of the employees'
11 organization, federation, or confederation, unless *force majeure* renders a
12 secret ballot impractical, in which case the board of directors of the organization
13 shall make the decision on behalf of the general membership;

14 (e) No employees' organization, federation, or confederation shall knowingly admit
15 as members, or continue in membership, any individual who belongs to a
16 subversive organization or those who engage, directly or indirectly, in any
17 subversive activity;

18 (f) No person who has been convicted of a crime involving moral turpitude shall
19 be eligible for election as an officer, or for appointment to any position, in an
20 employees' organization, federation, or confederation;

21 (g) No officer, agent, or member of an employees' organization, federation, or
22 confederation shall collect any fees, dues, or other contributions on its behalf,
23 or make any disbursement of its money or funds, unless he or she is duly-
24 authorized to do so pursuant to its constitution and by-laws;

25 (h) Every payment of fees, dues, or other contributions by a member shall be
26 evidenced by a receipt signed by the officer or agent making the collection, and
27 entered into the record of the employees' organization, federation, or
28 confederation kept and maintained for the purpose;

29 (i) The funds of an employees' organization, federation, or confederation shall not
30 be applied for any purpose or object other than those expressly provided by its
31 constitution and by-laws, or those expressly authorized by a written resolution
32 adopted by the majority of the members at a general meeting duly-called for
33 the purpose;

34 (j) Any income or revenue of an employees' organization, federation, or
35 confederation shall be evidenced by a record indicating its source, and every
36 expenditure of its funds shall be evidenced by a receipt from the person to

1 whom the payment is made, which shall state the date, place, and purpose of
2 such payment. Such record or receipt shall form part of the financial records of
3 the organization, federation, or confederation. Any action involving the funds
4 of an employees' organization, federation, or confederation shall prescribe after
5 three (3) years from the date of submission of the annual financial report to
6 the Board or from the date the same should have been submitted as required
7 by law, whichever comes earlier: Provided, That this provision shall apply only
8 to registered employees' organizations, federations, or confederation which
9 have submitted the financial report required under this Act: Provided, further,
10 That failure of any employees' organization, federation, or confederation to
11 comply with the periodic financial reports required by law, and by rules and
12 regulations promulgated thereunder, six (6) months after the effectivity of this
13 Act, shall be a ground for disciplinary action against the officers responsible
14 therefor;

15 (k) Officers shall not be paid any compensation other than the salaries and
16 expenses appurtenant to their positions as specifically provided for in the
17 constitution and by-laws, or in a written resolution duly-authorized by a
18 majority of all the members at a general membership meeting duly-called for
19 the purpose. The minutes of the meeting and the list of participants and ballots
20 cast shall be subject to inspection by the Board through the Bureau of Labor
21 Relations as its duly-authorized representative. Any irregularity in the approval
22 of such a resolution shall be a ground for impeachment or expulsion from the
23 employees' organization, federation, or confederation;

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

- 33 a. At least once a year, within thirty (30) days after the close of the
34 organization's fiscal year;
- 35 b. At such other times as may be required by a resolution of the majority
36 of the members of the organization; and

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36

c. Upon vacating his or her office.

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

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

(n) No special assessment or any other extraordinary fee 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 fee and the recipient of such assessment or fee. 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 their members of the provisions of the organization's constitution and by-laws, any existing collective bargaining agreements, 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 responsible from the employees' organization, federation, or confederation. At least thirty percent (30%) of the members of an employees' organization, or of the total number of affiliated employees' organizations in the case of a federation or confederation, or any member or members directly affected by the violation, may report any such violation to the Board. The Board shall have the power to hear and decide any such violation and mete out the appropriate penalty therefor. Criminal and civil liabilities arising from violations of the foregoing rights and conditions of membership shall continue to be under the jurisdiction of ordinary courts.

CHAPTER V
PUBLIC SECTOR LABOR RELATIONS BOARD (PSLRB)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36

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 shall be 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:

- (a) A government representative with rank equivalent to an Undersecretary, as fulltime Chairperson;
- (b) Heads of registered federations or confederations, as members; and
- (c) One (1) sectoral representative each from the following: National Government Agencies (NGAs); Government Owned and Controlled Corporations with or without original charter (GOCCs); Local Government Units (LGUs); State Universities and Colleges (SUCs), local universities and colleges, and technical and vocational schools; the judiciary; the legislature; constitutional bodies; and public school teachers and public health workers.

Board members shall serve for a term of three (3) years, or until their successors are elected, unless recalled by the organizations being represented. There shall be no added emoluments other than that work performed in such a capacity shall be considered as official time. In no case, however, shall a member of the Board serve in a hold-over capacity for more than one (1) year.

Sec. 14. *Original and Exclusive Jurisdiction of the Board.* - The Board shall have original and exclusive jurisdiction to hear and decide the following cases:

- (a) Unfair labor practice;
- (b) Disputes arising during the course of collective negotiations;
- (c) Disputes on issues resulting from the interpretation or implementation of the grievance machinery;
- (d) Determination of the presence or absence of a strike;
- (e) Disputes arising from the interpretation or implementation of the provisions of a collective negotiation agreement;
- (f) Violations of the fundamental rights of workers; and
- (g) Grave abuse of management prerogatives.

Sec. 15. *Appellate Jurisdiction of the Board.* - The Board shall have appellate jurisdiction on decision or orders of the Bureau of Labor Relations involving:

- (a) Representation Issues;

- 1 (b) Inter- and Intra-employees' organization, federation, or confederation disputes;
- 2 (c) Issues arising from the election or expulsion of officers of employees'
- 3 organizations, federations, or confederations;
- 4 (d) Certification elections; and
- 5 (e) Verification of voluntary recognition.

6 **Sec. 16. *Support and Assistance of the Civil Service Commission, Department of***
7 ***Labor and Employment, National Conciliation and Mediation Board, and Law Enforcement***
8 ***Agencies. –***

- 9 (a) The Board shall have as many employees as may be necessary. It shall be
10 supported and assisted by the Civil Service Commission, Department of Labor
11 and Employment, and the National Conciliation and Mediation Board (NCMB) in
12 the administration of public sector labor relations.
- 13 (b) Specific to the Department of Labor and Employment, the Bureau of Labor
14 Relations shall continue, pursuant to its existing mandate under Executive
15 Order No. 180, Series of 1987, and the Labor Code of the Philippines, as
16 amended, to conduct hearings on inter or intra-union disputes with respect to
17 public sector organizations, including the registration and cancellation of
18 registration of employees' organizations, federations, or confederations. The
19 decision of the Bureau shall be appealable to the Board within fifteen (15)
20 calendar days from the date of receipt thereof by the parties.
- 21 (c) With respect to the National Conciliation and Mediation Board, an attached
22 agency to the Department of Labor and Employment, for purposes of this Act,
23 it shall create a conciliation-mediation unit that shall provide conciliation-
24 mediation services for the purpose of addressing public sector concerns and
25 disputes, whether individual or those arising from collective bargaining
26 negotiations or the implementation and interpretation of collective bargaining
27 agreements. Unless there is a need for adjustments, the existing guidelines on
28 conciliation-mediation services shall be observed.
- 29 (d) Furthermore, a unit mandated to resolve public sector labor relations disputes
30 shall be created from the existing voluntary arbitration system administered by
31 the National Conciliation and Mediation Board. This unit shall take cognizance
32 of disputes that the parties thereto may opt to submit for voluntary arbitration,
33 subject to existing guidelines and fees. The Board shall also have the authority
34 to directly conduct voluntary arbitration proceedings.

1 The Board may deputize or direct any national or local law enforcement agency, or
2 instrumentality of the government, to enforce and execute its decisions, orders, and
3 resolutions.

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

10 The Board shall require the petitioner to post a bond, and the writ of preliminary
11 injunction or temporary restraining order shall become effective only upon approval of
12 said bond, which shall answer for any damage that may be suffered by the party enjoined
13 if it is determined, with finality, that the petitioner was not entitled to the ancillary relief
14 prayed for.

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

17 (a) Disobedience or resistance to lawful orders, decisions, rulings, summons,
18 subpoenas, or any other issuance or process of the Board; or

19 (b) Unlawful interference with the proceedings of the Board, or improper conduct
20 tending, directly or indirectly, to impede, obstruct, delay or hamper the
21 implementation of any order, decision, or ruling, as provided in this Act.

22 **Sec. 19. *Finality of Decisions.*** – Decisions of the Board in the exercise of its
23 appellate jurisdiction are final and executory unless a motion for reconsideration is filed
24 by the aggrieved party within fifteen (15) calendar days from receipt of the decision
25 sought to be reconsidered. The Board shall not entertain any further motions for
26 reconsideration. Decisions of the Board, in the exercise of its original or appellate
27 jurisdiction, may be elevated to the Court of Appeals through the extraordinary remedy
28 of petition for certiorari.

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

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

- 1 by the Board; and (3) perform such other functions as may be required by the
2 Board;
- 3 (b) The Civil Service Commission's Personnel Relations Office (CSC-PRO) shall be
4 reconstituted as the Board's permanent Secretariat, and shall provide technical
5 and staff support to the Board and TEC;
- 6 (c) The Board may also constitute itself into divisions of three (3) members each.
7 However, the Board shall convene *en banc* on matters of policy, or in case of
8 disagreements within its divisions. But in all cases, the signing authority for
9 decisions of the Board shall be the Chairperson, with the concurrence of a
10 majority of the members present during a meeting. The Board shall determine
11 what constitutes a quorum to conduct official business, either of the division or
12 the Board *en banc*, and
- 13 (d) The Civil Service Commission and the Office of the Executive Secretary shall
14 allocate the funds and resources required by the Board for its operations from
15 their respective budgets.

16
17 **CHAPTER VI**
18 **REGISTRATION AND CANCELLATION OF REGISTRATION**
19

20 *Sec. 21. Requirements for Registration.* - An employees' organization, federation,
21 or confederation shall acquire legal personality and enjoy the rights and privileges under
22 this Act, on the date of issuance of a certificate of registration by the Bureau of Labor
23 Relations, which shall be the central registry for legitimate labor organizations, after
24 compliance with the following requirements:

- 25 (a) The application for registration of an employees' organization shall be
26 accompanied by the following:
- 27 1. A statement indicating the name of the applicant employees'
28 organization, its principal address, the names of its officers, total number
29 of members and the number of employees in the organizational unit the
30 applicant seeks to represent;
 - 31 2. Duly-ratified constitution and by-laws accompanied by the minutes of
32 the meeting during which they were adopted or ratified, as well as a list
33 of members who participated in the said meeting;
 - 34 3. The signatures of at least ten percent (10%) of the employees in the
35 organizational unit the applicant seeks to represent;
 - 36 4. 3. If the applicant has been in existence for one or more years, a copy
37 of its most recent annual audited financial statements; and

1 5. A registration fee, the amount of which shall be determined by the
2 Bureau of Labor Relations.

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

- 5 1. Duly-authenticated copy of the federation charter certificate issued to
6 the employees' organization;
- 7 2. Duly-ratified constitution and by-laws accompanied by the minutes of
8 the meeting during which they were adopted or ratified, as well as a list
9 of members who participated in the said meeting;
- 10 3. If the applicant has been in existence for one or more years, a copy of
11 its most recent annual audited financial statements; and
- 12 4. A registration fee, the amount of which shall be determined by the
13 Bureau of Labor Relations.

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

- 16 1. A statement indicating the name of the applicant federation or
17 confederation, its principal address, and the names of its officers;
- 18 2. Duly-ratified constitution and by-laws accompanied by the minutes of
19 the organizational meeting during which they were adopted or ratified,
20 as well as a list of the affiliated employees' organizations and members
21 who participated in the said meeting;
- 22 3. Copies of registration certificates and affiliation confirmation resolutions
23 of at least five (5) affiliate or member labor organizations in the case of
24 federations;
- 25 4. Copies of registration certificates and affiliation confirmation resolution
26 of at least two (2) affiliate or member federations in the case of
27 confederations;
- 28 5. If the applicant has been in existence for one or more years, a copy of
29 its most recent annual audited financial statements; and
- 30 6. A registration fee, the amount of which shall be determined by the
31 Bureau of Labor Relations.

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

34 **Sec. 22. *Incomplete Application; Non-Denial.*** – Incomplete applications for
35 registration shall not be accepted. Complete applications for registration on the other
36 hand, shall be deemed approved upon receipt by the Bureau.

1 conducted regularly, whether simultaneously or in succession, at the national, sectoral,
2 and organizational levels, at intervals deemed appropriate by the parties; but in no case
3 shall these intervals exceed three (3) years.

4 **Sec. 31. *National Bargaining Agreement; Coverage.*** - General terms and conditions
5 of employment of national application, including the standardization of salaries,
6 allowances, and benefits of government employees not requiring legislative action, shall
7 be subject to collective bargaining between representatives of all accredited public sector
8 federations or confederations and national government authorities at regular intervals.
9 Such terms and conditions of employment shall include the following:

- 10 (a) Reclassification, review, creation, abolition, or upgrading of positions;
- 11 (b) Wages, as well as review and revision of the compensation structure;
- 12 (c) Increase in standard allowances granted uniformly across the government;
- 13 (d) Creation of anti-corruption advocacy and monitoring units at the national,
14 sectoral, and organizational unit levels;
- 15 (e) Creation of social dialogue mechanisms at the national, sectoral, and
16 organizational unit levels; and
- 17 (f) Other benefits covered by this Act.

18 **Sec. 32. *Sectoral Bargaining Agreement.*** - Sectoral collective negotiations shall be
19 undertaken on sector-specific concerns between elected sectoral representatives and the
20 concerned sectoral government authorities, which shall include terms and conditions of
21 employment unique to the sector as well as incentives, including wage and salary
22 structure, as provided under Republic Act No. 10149, or the GOCC Governance Act of
23 2011.

24 **Sec. 33. *Organizational Bargaining Agreement; Coverage.*** - Personnel
25 enhancements, welfare, and benefits, which must not be lower than national or sectoral
26 standards, shall be negotiated at the level of the negotiating unit between the certified
27 employees' union and the concerned government authority, which shall include, among
28 others, the following:

- 29 (a) Schedule of vacation and other leaves;
- 30 (b) Work assignments of pregnant women;
- 31 (c) Personnel growth and development;
- 32 (d) Communication system within the organizational unit;
- 33 (e) Provisions for occupational safety and health;
- 34 (f) Provisions and facilities for handicapped personnel;
- 35 (g) Use of gender and development budget;
- 36 (h) Wellness and physical fitness program;

- 1 (l) Establishment of day care facilities;
- 2 (j) Annual medical and physical examinations;
- 3 (k) Recreational, social, athletic, and cultural activities;
- 4 (l) Facilities requiring capital outlays;
- 5 (m) Provident fund (management counterpart);
- 6 (n) Hospitalization, medical, and dental services;
- 7 (o) Rice, sugar, and other subsidies;
- 8 (p) Travel expenses;
- 9 (q) Other retirement benefits;
- 10 (r) Representation in different committees in the organizational unit, particularly
- 11 those committees involved in employee welfare and development, productivity,
- 12 and preventing graft and corruption;
- 13 (s) Work organization;
- 14 (t) Productivity and collective negotiation incentives;
- 15 (u) Health maintenance benefit;
- 16 (v) Staple food benefit;
- 17 (w) Disaster Risk Assistance Management Allowance;
- 18 (x) Renewal of licenses, if a requirement of the work or functions being performed;
- 19 (y) Free legal assistance for work-related cases, or those related to the exercise of
- 20 the office's mandate or function
- 21 (z) Educational allowance;
- 22 (aa) Meal allowance;
- 23 (bb) Mortuary benefit;
- 24 (cc) Disability benefits;
- 25 (dd) Longevity bonus; and
- 26 (ee) Union leave.

27 **Sec. 34. Duty to Bargain in Good Faith.** – Parties to collective bargaining shall make
28 every effort to arrive at comprehensive, mutually-acceptable solutions on all matters of
29 mutual interest, which solutions shall be observed and implemented in good faith. Good
30 faith includes acknowledging the binding effects of the terms and conditions of collective
31 bargaining agreements by the parties thereto and their successors-in-interest, even after
32 changes in the administration or leadership of the agency or employees' organization.
33 Collective bargaining agreements at all levels shall include a binding dispute resolution
34 mechanism, such as the establishment of grievance machinery, as well as an agreement
35 that the parties shall resort to voluntary arbitration *vis-à-vis* issues related to the
36 interpretation or implementation of its provisions.

1 The heads of offices and other officers of the agency, as well as the officers and members
2 of an employee organization, who participate in, or authorize, any unfair labor practice
3 shall be held administratively liable therefor, without prejudice to civil or criminal liability.
4

5 CHAPTER X

6 GRIEVANCE MACHINERY AND SETTLEMENT OF DISPUTES

7
8 *Sec. 38. Settlement of Disputes Arising in Connection with the Determination of*
9 *Terms and Conditions of Employment.* – There shall be established an independent,
10 efficient, speedy, and impartial settlement mechanism for disputes related to the terms
11 and conditions of employment, which shall begin at the organizational unit level through
12 the grievance machinery, and include third party-intervention through conciliation-
13 mediation services and voluntary arbitration for all unresolved labor relations-related
14 disputes.

15 *Sec. 39. Grievance Machinery.* – Each department or agency and employees'
16 organization of an organizational unit shall establish and administer a grievance
17 machinery. Every employee shall have the right to have his or her grievance adjudicated
18 as expeditiously and fairly as possible. A grievance may be filled by an aggrieved
19 employee, or by the employee organization to which he or she belongs, in accordance
20 with the rules issued by the Board.

21 *Sec. 40. Conciliation-Mediation.* – The parties, by mutual agreement, shall have
22 the right to refer unresolved grievances, either individual or those involving collective
23 bargaining, to the conciliation-mediation unit of the NCMB. The Board shall also have the
24 authority to refer unresolved grievances to the NCMB.

25 *Sec. 41. Voluntary Arbitration.* – All labor relations-related disputes in the public
26 sector shall be submitted for voluntary arbitration.

27 *Sec. 42. Voluntary Arbitration Unit; Accreditation.* - Voluntary arbitrators for the
28 public sector shall be accredited by the Board pursuant to accreditation procedures it shall
29 promulgate, which shall include minimum hours of training on public service laws, rules,
30 and regulations, and the appropriate clearances. To be listed in the roster of public sector
31 arbitrators of good standing, accredited voluntary arbitrators shall submit regular reports
32 on cases handled to the Board, and shall undergo enhancement training on public sector
33 rules and regulations.

34 *Sec. 43. Assignment of Cases.* – In the absence of an agreement by the parties on
35 the selection of their voluntary arbitrators, the Board shall facilitate the assignment and
36 raffle of cases to arbitrators of good standing.

1 **Sec. 44. *Awards or Decisions of Voluntary Arbitrators.*** – Awards or decisions of
2 voluntary arbitrators shall cite the facts and the law upon which they are based. Unless
3 an appeal is filed with the Court of Appeals, such awards and decisions shall be final and
4 executory fifteen (15) calendar days from receipt thereof by the parties.

5
6
7
8

CHAPTER XI
STRIKES

9 **Sec. 45. *Right to Strike.*** – The right of government employees to engage in
10 peaceful concerted activities, as well as the right to strike, for purposes of collective
11 bargaining or for mutual benefit and protection, including anti-corruption demonstrations,
12 shall be recognized and respected provided that the grounds, procedures, and cooling off
13 period requirement in Article 278 (formerly 263) of the Labor Code of the Philippines, as
14 amended, are observed, and provided further that inter-union or intra-union disputes
15 shall not be grounds for a strike.

16 **Sec. 46. *Minimum Service Requirement.*** – Considering the nature of public service,
17 the duly registered employees' organization and the appropriate authority in the
18 organizational unit shall ensure that a minimum level of continuous service shall be
19 provided to the public for the duration of the concerted activity or strike.

20 **Sec. 47. *Limited Right to Strike.*** – Firefighters shall enjoy a limited right to strike,
21 as provided in regulations promulgated by the Board, considering the nature of the
22 services they provide to the community.

23 **Sec. 48. *Compulsory Arbitration by the Board.*** – The Board shall immediately
24 assume jurisdiction over any dispute involving employees and duly-registered employees'
25 organizations in an organizational unit rendering essential services to the public, such
26 that any interruption thereto would pose imminent danger to the life, safety, or health of
27 any part of the population, including, among others, direct patient care in public health
28 institutions, public air traffic control, or prison services, for the purpose of expeditiously
29 resolving the dispute, through conciliation, mediation, or voluntary arbitration
30 proceedings.

31 The Board shall resolve disputes involving employees and duly-registered employees'
32 organizations in an organizational unit rendering essential services to the public within
33 thirty (30) calendar days from the date it assumed jurisdiction thereof. The resolution or
34 decision of the Board shall be final and executory ten (10) calendar days from receipt
35 thereof by the parties.

1 Tripartite Voluntary Arbitration Advisory Council (TVAAC) of the National Conciliation and
2 Mediation Board.

3 Sec. 54. *Presidential Social Dialogue and Consultation.* – The Board, being attached
4 to the Office of the President, shall regularly convene, *motu proprio* or upon request,
5 social dialogue and consultation between the President of the Philippines and public
6 sector employees' organizations on matters of national concern or on major policies
7 affecting the civil service.

8

9

CHAPTER XIII

MISCELLANEOUS PROVISIONS

10

11
12 Sec. 55. *Implementing Rules and Regulations.* – The Department of Labor and
13 Employment and Office of the Executive Secretary, in consultation with the Civil Service
14 Commission, Department of Justice, Department of Budget and Management,
15 Department of Interior and Local Government, Commission on Higher Education, and
16 with the participation of representatives from the public sector federations and
17 confederations, shall promulgate the implementing rules and regulations necessary to
18 fully implement this Act within one hundred and twenty (120) days from the effectivity
19 thereof.

20 Sec. 56. *Separability Clause.* – If any provision of this Act is declared
21 unconstitutional or invalid by a court of competent jurisdiction, the remaining provisions
22 not affected thereby shall continue to be in full force and effect.

23 Sec. 57. *Repealing Clause.* – Executive Order No. 180, Series of 1987, is hereby
24 expressly repealed. All laws, decrees, executive orders, department or memorandum
25 orders and other administrative issuances or parts thereof which are inconsistent with
26 the provisions of this Act are hereby modified, superseded or repealed accordingly.

27 Sec. 58. *Effectivity.* – This Act shall take effect fifteen (15) days after publication
28 in the Official Gazette or in at least two (2) newspapers of general circulation.

Approved,