

PRIMER ON GRIEVANCE MACHINERY

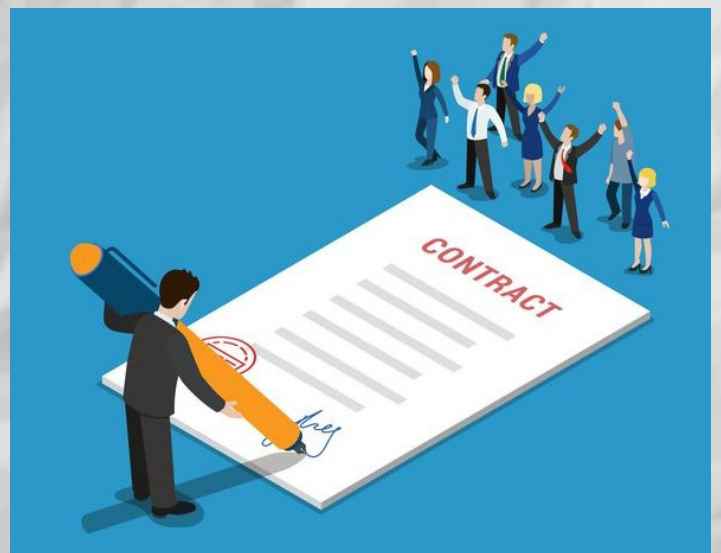
WHAT IS GRIEVANCE?

Grievance is any difference or dispute between an employee or the union, and the employer with respect to the interpretation, application, or compliance with any terms and conditions of the CBA and the company rules and regulations.



COULD THERE BE A GRIEVANCE WITHOUT A UNION OR A CBA?

Any dispute or controversy on the terms and conditions of employment which an employee or group of employees may present to the employer can be a grievance even without a union or a CBA.



GROUND(S) FOR GRIEVANCE

- Violation/s on interpretation and/or Implementation of Collective Bargaining Agreement
- Violation/s on Interpretation and/or Enforcement of Company Personnel Policies

TEST FOR GRIEVANCE

- Violation of the Contract (Has the contract been violated?)
- Violation of Management Responsibilities (Has the worker been treated unfairly by some action of the company?)
- Violation of Company Personnel Policies and Company Rules and Regulations (Is the problem covered by the contract or personnel policies?)
- Violation of Past Practice



DEPARTMENT OF LABOR AND EMPLOYMENT
NATIONAL CONCILIATION AND MEDIATION BOARD

PRIMER ON GRIEVANCE MACHINERY

WHO CAN FILE/INITIATE A GRIEVANCE?

- Aggrieved (individual) employee
- Group of employees
- The Union
- Management or Employer



Grievances are taken up in the Grievance Machinery.

GRIEVANCE MACHINERY

A mechanism established for the adjustment and resolution of grievances.

What are the reasons for establishing Grievance Machinery?

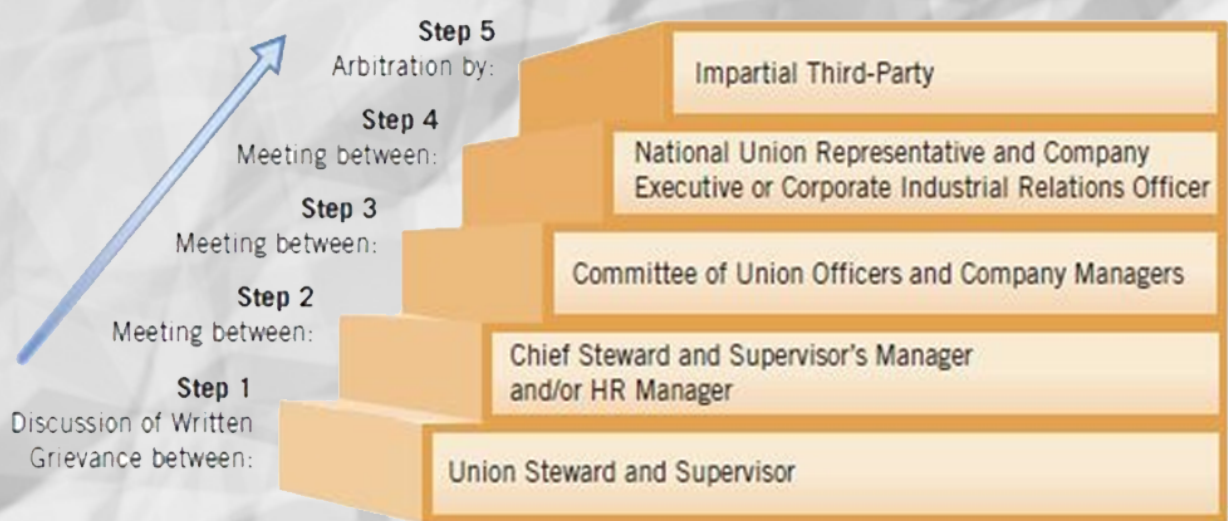
- To give employees an opportunity to voice their concerns;
- To provide employees with the opportunity to appeal a decision and to resolve the problem;
- To prevent minor disagreements from developing into full blown disputes;
- To provide for peaceful resolution of disputes;
- To provide a systematic way to resolve problems through fact finding;
- To identify causes of problems;
- To keep the lines of communication between the parties open during the life of the contract;
- To provide a method of interpreting the contract;
- To protect the integrity of the contractual agreement;
- To build an organizational climate based on openness and trust; and
- To improve labor-management relations.



DEPARTMENT OF LABOR AND EMPLOYMENT
NATIONAL CONCILIATION AND MEDIATION BOARD

PRIMER ON GRIEVANCE MACHINERY

Grievances brought to the Grievance Machinery pass through the Grievance Procedure for settlement or resolution.



THE GRIEVANCE PROCEDURE

A series of formal steps that parties to a collective bargaining agreement or workers and management agreed to take for the adjustment of grievances including, voluntary arbitration as the terminal step

- A Grievance Procedure consists of a series of steps to be taken within the specified time limits;
- Small companies can be expected to have short, simple procedures. Larger companies usually have multi-step procedures;
- The intermediate steps are not merely a transmission belt for passing grievances along to the top authorities. The number of steps provides a method of appeal to higher authorities of a decision from a lower/supervisory official.

SECTION 2, RULE XIX

DO No. 40-03 provides for the procedure for the unorganized or in the absence of a provision in the CBA.

GRIEVANCE PROCEDURE

Step 1: SHOP FLOOR

Employee shall present his grievance or complaint to the shop steward.

The shop steward shall verify the facts and determine whether or not the grievance is valid



DEPARTMENT OF LABOR AND EMPLOYMENT
NATIONAL CONCILIATION AND MEDIATION BOARD

PRIMER ON GRIEVANCE MACHINERY

Step 2: PLANT LEVEL

If valid, shop steward shall immediately bring the complaint to the employee's immediate supervisor.

The immediate supervisor shall exert effort to settle the grievance at this level.

Step 3: TOP LEVEL

If no settlement is reached, the grievance shall be referred to the grievance committee.

The grievance committee has 10 days to decide the case.

Step 4: THIRD PARTY LEVEL

All grievances not settled at the grievance machinery shall automatically be referred to voluntary arbitration.



*for more information, visit our
website at*
ncmb.gov.ph



DEPARTMENT OF LABOR AND EMPLOYMENT
NATIONAL CONCILIATION AND MEDIATION BOARD