

PRIMER ON GRIEVANCE MACHINERY

GRIEVANCE MACHINERY

refers to the mechanism for the adjustment and resolution of grievances arising from the interpretation or implementation of a CBA and those arising from the interpretation or enforcement of company personnel policies.

WHAT IS GRIEVANCE?

A grievance or “grievable issue” is any question raised by either the employer or the union regarding any of the following issues or controversies:

1. The interpretation or application of the CBA;
- 2.2. The interpretation or enforcement of company personnel policies; or
3. Violation of any provision of the CBA or company personnel policies.



WHEN IS THERE A GRIEVANCE?

In the technical or restricted sense, there is a grievance when a dispute or controversy arises over the implementation or interpretation of a collective bargaining agreement or from the implementation or enforcement of company personnel policies, and either the union or the employer invokes the grievance machinery provision for the adjustment or resolution of such dispute or controversy.

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

If the term grievance is to be applied in the loose or genetic sense, any dispute or controversy respecting 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 CBA. Under this interpretation, any complaint, question or problem that an employee or group of employees may wish to take up or discuss with the employer respecting terms and conditions of employment for the purpose of resolving or satisfying the same, constitutes a grievance.



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The expansion of the original and exclusive jurisdiction of voluntary arbitrators to include questions arising from the interpretation and enforcement of company personnel policies has the effect of widening the meaning and interpretation of a grievance to include a situation where there is no collective bargaining agent and no CBA.

GRIEVANCE PROCEDURE

Refers to the internal rules of procedure established by the parties in a Collective Bargaining Agreement, or in case of unorganized establishments, the workers and the management, with voluntary arbitration as the terminal step, which are intended to resolve all issues arising from the implementation and interpretation of their collective agreement. Curtly put, it provides for a peaceful way of settling differences and misunderstanding between the parties.

DEFAULT GRIEVANCE PROCEDURE UNDER DOLE DEPARTMENT ORDER NO. 40, SERIES OF 2003.

In the absence of a specific provision in the collective bargaining agreement or existing company practice prescribing for the procedures in handling grievance, the following shall apply:

(a) An employee shall present this grievance or complaint orally or in writing to the shop steward. Upon receipt thereof, the shop steward shall verify the facts and determine whether or not the grievance is valid.

(b) If the grievance is valid, the shop steward shall immediately bring the complaint to the employee's immediate supervisor. The shop steward, the employee and his immediate supervisor shall exert efforts to settle the grievance at their level.

(c) If no settlement is reached, the grievance shall be referred to the grievance committee which shall have ten (10) days to decide the case. Where the issue involves or arises from the interpretation or implementation of a provision in the collective bargaining agreement, or from any order, memorandum, circular or assignment issued by the appropriate authority in the establishment, and such issue cannot be resolved at the level of the shop steward or the supervisor, the same may be referred immediately to the grievance committee.

Where grievance remains unresolved, either party may serve notice upon the other of its decision to submit the issue to voluntary arbitration. (Section 2, Rule XIX of D.O. 40-03, as amended)



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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

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.



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STANDARDS FOR EFFECTIVE GRIEVANCE PROCEDURE

- Adaptable to all types of grievances;
- Designed to facilitate early settlement of grievances;
- Encourages settlement of grievances at the lower steps with clear authority of supervisors/managers to decide;

OBJECTIVES AND BENEFITS OF 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.

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