

ADMINISTRATIVE ORDERNo. 06
Series of 2021**Subject: ENHANCED DSWD GRIEVANCE MACHINERY****I. RATIONALE**

Pursuant to the Revised Policies on the Settlement of Grievance in the Public Sector contained in the Civil Service Commission(CSC) Resolution No. 010113, dated January 10, 2001 and implemented through CSC Memorandum Circular No. 02, series of 2001, the Department of Social Welfare and Development (DSWD) adopted the Grievance Machinery through Memorandum Circular No. 01, series of 2003, titled "DSWD Grievance Machinery" which seeks to promote harmony in the workplace and thereby foster the productivity of the members of the organization.

To promote efficiency and effectiveness in handling grievances and to set the premise of the grievance mechanism at the earliest opportunity, Parts IV, V and VI of Memorandum Circular No. 01, series of 2003, were amended through Memorandum Circular No. 04, series of 2011.

The Department has adopted several policy guidelines, which prompted the creation of various committees in the Central Office and Field Offices such as the Anti-Graft and Anti-Corruption (AG-AC) Committee pursuant to DSWD MC No. 03, series of 2011, Committee on Decorum and Investigation (CODI) on Gender-Based Sexual Harassment (GBSH) pursuant to the Implementing Rules and Regulations of the Republic Act No. 11313 and Administrative Order No. 8, series of 2009, Performance Management Technical Working Group (PM-TWG) pursuant to DSWD Administrative Order No. 23, series of 2018, among others. These Committees also handle complaints and concerns within their mandates.

Upon a closer look, there is a need to further clarify the scope of the Grievance Machinery so that the concerned personnel will know the appropriate Committee to submit their grievances for appropriate action and/or decision.

The CSC Memorandum Circular No. 4, series of 2010 or the Revised Policies in the Resolution of Protest Cases states that the protest on appointment shall no longer be acted upon through the Grievance Machinery.

In addition, the essential Management Reorganization of the DSWD Central Office and Field Offices resulted to the creation of new offices and personnel movement, which affected the composition of the Grievance Committee both in the National and Regional Level.

In this regard, to further enhance the Grievance Machinery of the Department, this Administrative Order is being issued to harmonize and conform to the above mentioned



issuances. This shall also further establish an updated and comprehensive guideline that is responsive to the needs of our employees.

II. LEGAL BASES

1. CSC Memorandum Circular No. 02, s. 2001, or the *Revised Policies on the Settlement of Grievances in the Public Sector*; and
2. CSC Memorandum Circular No. 04, series of 2010, or the Revised Policies in the Resolution of Protest Cases

III. OBJECTIVES

1. General Objectives

To have a fair and responsive settlement of grievances between and among officials and employees thereby promoting organizational harmony and productivity in the Department

2. Specific Objectives

- a. Create a mechanism to address issues and concerns raised by and/ or against the employees of the Department;
- b. Provide fair and amicable settlement of disputes amongst employees of the Department;
- c. Activate and strengthen the existing Grievance Machinery of the Department;
- d. Settle grievances at the lowest possible level; and
- e. Serve as acatalyst for the development of capabilities of personnel on dispute settlement, especially among supervisors in the Department.
- f. To help generate the feeling of full faith and confidence in a genuine venue for airing grievances and exhaust all available remedies within the organization.
- g. To promote a culture of respect, decency and objectivity as well as professional behavior in the workplace as expected of public servants.

IV. COVERAGE

The Grievance Machinery applies to all career and non-career officials and employees of the Department occupying permanent, casual, contractual and co-terminus positions¹.

¹ Grievances filed against COS and JO Workers shall be subjected under a separate guideline.

V. DEFINITION OF TERMS

Accredited Employees' Association – an employees' association accredited pursuant to Executive Order No. 180, series of 1987 and its implementing rules and regulations.

Bilis Aksyon Partner – the counterpart Action Office of the Civil Service Commission under the Mamamayan Muna Program in every agency pursuant to CSC MC No. 3, series of 1994.

Grievance - a work-related discontentment or dissatisfaction which had been expressed in verbal or writing presented to proper authority for appropriate action because in the aggrieved employee's opinion, such has been ignored or dropped without due consideration.

Grievance Machinery – a system or method of determining and finding the best way to address specific cause or causes of grievance by seeking the fairest and amicable settlement to all parties concerned towards better public service.

Proper Authority – the appropriate individual by virtue of his/her position has jurisdiction and provides resolution to grievances beginning at the lowest possible level i.e. immediate supervisor.

Public Sector Labor Management Council (PSLMC) – the Council responsible for the promulgation, implementation and administration of the guidelines for the exercise of the right of the government employees to organize pursuant to Executive Order No. 180.

VI. BASIC POLICIES

1. The Grievance Machinery is founded on the principle of promoting fairness, objectivity, harmonious relationship and better public service in all its undertaking in addressing grievance/s in the Department.
2. A grievance shall be resolved expeditiously at all times at the lowest level possible. However, if not settled at the lowest level possible, an aggrieved party shall present his or her grievance step by step following the hierarchy of positions.
3. The aggrieved party shall be assured freedom from coercion, discrimination, reprisal and of a speedy and impartial action on the grievance.
4. Grievance proceedings shall not be bound by technical rules and procedure of the law. The services of a legal counsel shall not be allowed.
5. Only permanent officials and employees shall be appointed or elected as members of the Grievance Committee. In the appointment or election of the committee members, their integrity, probity and credibility shall be considered.

6. The Grievance Committee shall develop and implement pro-active measures that would prevent grievances, such as employee assemblies, which shall be conducted at least once every quarter, "talakayan", counseling, HRD interventions and other similar activities.
7. The Human Resource Management and Development Service (HRMDS) in the Central Office and the Human Resource Management and Development Division (HRMDD) in the Field Office, in collaboration with the duly constituted Grievance Committee, shall conduct a continuing information drive on Grievance Machinery among its officials and employees and capability building on mediation or grievance resolution towards sustainable peace in the workplace. Likewise, The Head of Offices, Bureaus and Units (OBSUs), to be assisted by the Division Chief, shall also make efforts to conduct information drive in their own OBSUs to facilitate resolving grievances at the lowest possible level.
8. The Grievance Committee may conduct investigation, hearings, meetings and dialogues within ten (10) working days from receipt of the grievance and render a decision within five (5) working days after the meeting. Provided, however, that where the subject of the grievance is the Grievance Committee itself, the aggrieved party may submit the grievance to the Secretary in the Central Office and Regional Director in the Field Office.
9. A grievance may be elevated to the Civil Service Commission Regional Office concerned only upon submission of a Certification of the Final Action on the Grievance (CFAG) issued by the Grievance Committee. The CFAG shall contain, among other things, history and final action taken by the agency on the grievance.
10. The Grievance Committee shall establish its own internal procedures and strategies. Membership in the Grievance Committee shall be considered part of the members' regular employee duties. The duties of the Committee Member may be included in the Individual Performance Contract during the duration of the membership to the Committee.
11. The Grievance Committee shall submit a quarterly report of its accomplishments and status of unresolved grievances to the Civil Service Commission Regional Office not later than the 20th of the month of the succeeding quarter.
12. Supervisors or officials who refuse to take action on a grievance brought to their attention shall be liable for neglect of duty in accordance with the existing civil service law, rules and regulations.
13. The Department's grievance machinery shall be submitted to the Civil Service Commission Regional Office concerned for approval. Subsequent amendments shall be subject to CSC approval and shall take effect immediately.



VII. SCOPE

1. The following cases shall be acted upon through the Grievance Machinery:
 - a. Non-implementation of policies, practices and procedures on economic and financial issues and other terms and conditions of employment fixed by law including salaries, incentives, working hours, leave benefits and other related terms and conditions;
 - b. Non-implementation of policies, practices and procedures which affect employees from recruitment to promotion, reassignment, details, transfer, retirement, termination, lay-offs and other related issues that affect them;
 - c. Inadequate physical working conditions such as lack of proper ventilation in the workplace, insufficient facilities and equipment necessary for the safety and protection of employees whose nature and place of work are classified as high risk or hazardous;
 - d. Interpersonal and inter-organizational relationships and linkages; and
 - e. All other matters giving rise to employee dissatisfaction and discontentment.
2. The following cases shall not be acted upon through the Grievance Machinery:
 - a. Disciplinary and Administrative cases which shall be resolved pursuant to the 2017 Rules on the Administrative Cases in the Civil Service (2017 RACCS);
 - b. Sexual Harassment Cases as provided for in 2017 RACCS and Implementing Rules and Regulations (IRR) of the Republic Act 11313 or the Safe Spaces Act;
 - c. Protest on appointments per CSC Memorandum Circular No. 4, s. 2020, or the Revised Policies in the Resolution of Protest Cases;
 - d. Union-related issues and concerns; and
 - e. Other cases in violation of existing governing laws.

VIII. GRIEVANCE PROCEDURES

The procedures for seeking redress of grievances shall be as follows:

1. Discussion with the Immediate Supervisor

Employees' grievance or discontent involving exercise of privileges and personnel movement shall be first resolved by the Immediate Supervisor (e.g. Unit Head, Section Head, Division Chief) as applicable depending on the size and current organizational structure. At the first instance, a grievance shall be presented in writing by the aggrieved party to his or her immediate supervisor copy furnish the

Head of OBSUs. The grievance may be presented using the Grievance Presentation Form, hereto attached as Annex A.

The Immediate Supervisor, through the Head of OBS, shall inform the aggrieved party within three (3) working days from receipt of the Grievance Presentation Form in writing of the corresponding action and/or decision through the Grievance Agreement Form hereto attached as Annex B.

Provided, however, that where the subject of the grievance is the Immediate Supervisor, the aggrieved party may bring the grievance to the next higher supervisor/official/authority, depending on the applicable organizational structure who shall take proper action within three (3) working days from the receipt of the grievance.

2. Appeal to the Higher Supervisor

If the aggrieved party is not satisfied with the decision of the Immediate Supervisor, he/she may submit the grievance, within five (5) working days to the next Higher Supervisor who shall render his or her decision within five (5) working days from receipt of the grievance. Provided, however, that where the subject of the Grievance is the Higher Supervisor, the aggrieved party may bring the grievance to the next higher supervisor, if any, or to the Grievance Committee, as the case may be.

3. Appeal to the Grievance Committee

If the aggrieved party is not satisfied with the decision of the Highest Supervisor following the hierarchy of positions in Annex F, he or she may elevate the matter to the Grievance Committee within five (5) working days from receipt of the decision through the Grievance Appeal Form, hereto attached as Annex D. Copy of the decision of the Highest Supervisor, must be submitted.

The Grievance Committee may conduct investigation, hearing, meetings and dialogues within ten (10) working days from receipt of the grievance and render a decision within five (5) working days after the last meeting. Provided, however, that where the subject of the grievance is the Grievance Committee itself, the aggrieved party may submit the grievance to the Secretary in the Central Office and Regional Director in the Field Office.

If during the conduct of the dialogues, the parties have reached an agreement for the settlement of the grievance, the said agreement shall be reflected in the Grievance Agreement Form.

4. Appeal to the Secretary in the Central Office and Regional Director in the Field Office

If the aggrieved party is not satisfied with the decision of the Grievance Committee, he or she may elevate his or her grievance within five (5) working days from receipt of the decision.



The appeal of the aggrieved party in the Central Office shall be elevated to the Secretary whereas, the appeal of the aggrieved party in the Field Office shall be elevated to the concerned Regional Director who shall make the decision within ten (10) working days after the receipt of the grievance. Copy of the decision of the appeal from the Grievance Committee must be submitted.

Provided, however, that where the subject of the grievance is a member of the EXECOM, the aggrieved party may bring his or her grievance directly to the Civil Service Commission (CSC) – Regional Office for FO grievances or to the CSC – CO for CO grievances.

5. Appeal to the Civil Service Commission – Regional Office

If the aggrieved party in the Central Office is not satisfied with the decision of the Secretary, he or she may appeal or elevate his or her grievance to the Civil Service Commission Regional Office within fifteen (15) working days from receipt of such decision. Whereas, if the aggrieved party in the Field Office is not satisfied with the decision of the Regional Director, he or she may appeal or elevate his or her grievance to the Civil Service Commission – Regional Office concerned within fifteen (15) working days from receipt of such decision.

Together with the appeal, the aggrieved party shall submit a Certification on the Final Action on the Grievance (CFAG) to be issued by the Grievance Committee. The Grievance Committee must issue a Certification on the Final Action on the Grievance in accordance with the form hereto attached as Annex C. The Civil Service Commission – Regional Office shall rule on the appeal in accordance with the existing civil service law, rules and regulations.

IX. GRIEVANCE COMMITTEE

1. Composition

The Department shall ensure equal opportunity for all sexes and gender to be represented in the Grievance Committee.

A. Central Office Grievance Committee

Chairperson:	Undersecretary for General Administration and Support Services Group
Alternate Chairperson:	Assistant Secretary (to be rotated among the Assistant Secretaries as designated by the Secretary)
Members:	Human Resource Management and Development Service as the Bilis Aksyon Partner (BAP)



Representative from each Cluster
(to be recommended and designated by the Cluster Heads with principal member and alternate member not lower than Division Chief level)

Accredited Union Representative (First Level)
(to be recommended by the Employees Association with principal and alternate members)

Accredited Union Representative (Second Level)
(to be recommended by the Employees Association with principal and alternate members)

Secretariat: Human Resource Management and Development Service

B. Field Office Grievance Committee

Chairperson: Chief of the Administrative Division

Alternate
Chairperson: Division Chief
(to be rotated among Heads of Division as designated by the Regional Director)

Members: Human Resource Management and Development Division as the Bilis Aksyon Partner (BAP)

Representative from each Division
(to be recommended and designated by the Division Chief with principal member and alternate member not lower than Officer level. All Divisions in the Field Office must be properly represented.)

Accredited Union Representative (First Level)
(to be recommended by the Employees Association with principal and alternate members)

Accredited Union Representative (Second Level)
(to be recommended by the Employees Association with principal and alternate members)

Secretariat: Human Resource Management and Development Division

2. Term of Office

The two (2) rank-and-file employees from the Accredited Union shall have a fixed term of two (2) years.



The First Level Representative from the Accredited Union shall only participate in the grievances of first level employees. Whereas, the Second Level Representative from the Accredited Union shall only participate in the grievances of the second level employees.

3. Functions of the Grievance Committee

- a. Establish its own internal procedures and mechanisms. Membership in the Grievance Committee shall be considered part of the members' regular duties;
- b. Develop and implement pro-active measures or activities to prevent grievance such as employee assembly which shall be conducted at least once every quarter, "talakayan", counseling and other human resource interventions. Minutes of the proceedings of these activities shall be documented for audit purposes;
- c. Conduct continuing information drive on grievance machinery among officials and employees in collaboration with the HRMDS/HRMDD;
- d. Conduct dialogue between and among the parties involved;
- e. Conduct an investigation and hearing within ten (10) working days from receipt of the grievance and render a decision within five (5) working days after the meeting. Provided, however, that where the subject of the grievance is the Grievance Committee itself, the aggrieved party may submit the grievance to the Secretary in the Central Office and Regional Director in the Field Office to be assisted by the designated Grievance Committee Secretariat;
- f. Direct the documentation of the grievance including the preparation and signing of written agreements reached by the parties involved;
- g. Issue Certification on Final Action on Grievance (CFAG) which shall contain, among other things, the following information: history and final action taken on the grievance; and
- h. Submit a quarterly report of its accomplishments and status of unresolved grievances to the Civil Service Commission Regional Office concerned, a copy of which shall be furnished the Office of the Secretary.

4. Quorum

A majority (50% plus 1) of the total Grievance Committee composition shall constitute a quorum, provided that the Chairperson or Alternate Chairperson, is in attendance to preside the meeting. Either the permanent or alternate member shall be counted in the quorum.



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5. Conduct of Meetings

The Chairperson or, in his absence, the Vice Chairperson, shall preside during the meeting of the Grievance Committee.

The Grievance Committee, as deemed necessary, may request Technical Assistance from concerned OBSUs depending on the nature of the grievance.

X. GRIEVANCE FORMS

The following forms shall be used:

1. Grievance Presentation Form – Annex A
2. Grievance Agreement Form – Annex B
3. Certificate of Final Action on the Grievance – Annex C
4. Grievance Appeal Form- Annex D
5. Process Flow – Annex E
6. Hierarchy of Positions – Annex F

XI. CUSTODY OF RECORDS

All records involving grievances, minutes of meetings and Grievance Forms, shall be kept by the HRMDS for the Central Office grievances and the HRMDD for the Field Office grievances. Confidentiality and data privacy shall be ensured.

The accredited employees' union shall be furnished and maintain copies of similar records.

XII. EFFECTIVITY

This Grievance Machinery shall take effect immediately upon approval by the Civil Service Commission Regional Office concerned. Previous orders or provisions thereof, which are inconsistent herewith are deemed revoked or amended accordingly.


ROLANDO JOSELITO D. BAUTISTA
Secretary

Date: MAR 31 2021

Approved by:

CSC Regional Director

Date

Certified True Copy:

 06 APR 2021

HORACIO S. SAMSON, JR.

<u>GRIEVANCE PRESENTATION FORM</u>	
Date Filed:	
Aggrieved Party's Immediate Supervisor:	
Name of Aggrieved Party:	Subject of Grievance:
Position Title/ Designation:	Position Title/ Designation (if applicable):
Office:	Office (if applicable):
<u>Narrative of Grievance:</u>	
Signature over printed name of the Aggrieved Party	

CF: Head of Office, Bureau or Service for Central Office and Division Chief for Field Office of the Aggrieved Party

<u>GRIEVANCE AGREEMENT FORM</u>	
Date:	
Aggrieved Party's Immediate Supervisor:	
Name of Aggrieved Party:	Subject of Grievance:
Position Title/ Designation:	Position Title/ Designation (if applicable):
Office:	Office (if applicable):
<u>Narrative of Grievance:</u>	
Steps toward Settlement:	
Agreement/s Reached:	
We promise to abide by the above-stated agreement/s.	
Signature over printed name of the Aggrieved Party	Signature over printed name of the Subject of Grievance
Witness signature over printed name	Witness signature over printed name
Immediate Supervisor/ Higher Supervisor/ Grievance Committee Chairperson	
Secretary/ Regional Director <i>(if the Secretary or the Regional Director is to decide on a grievance)</i>	

CERTIFICATE OF FINAL ACTION ON THE GRIEVANCE

This certifies that the grievance filed by _____,
(Name)

_____ on _____ has been
(Position title, Office)(Date)

acted by this Committee (or by the Secretary/Regional Director, as the case may be) on

(Date)

Brief History/Narrative of Grievance:

Final Action/s Taken:

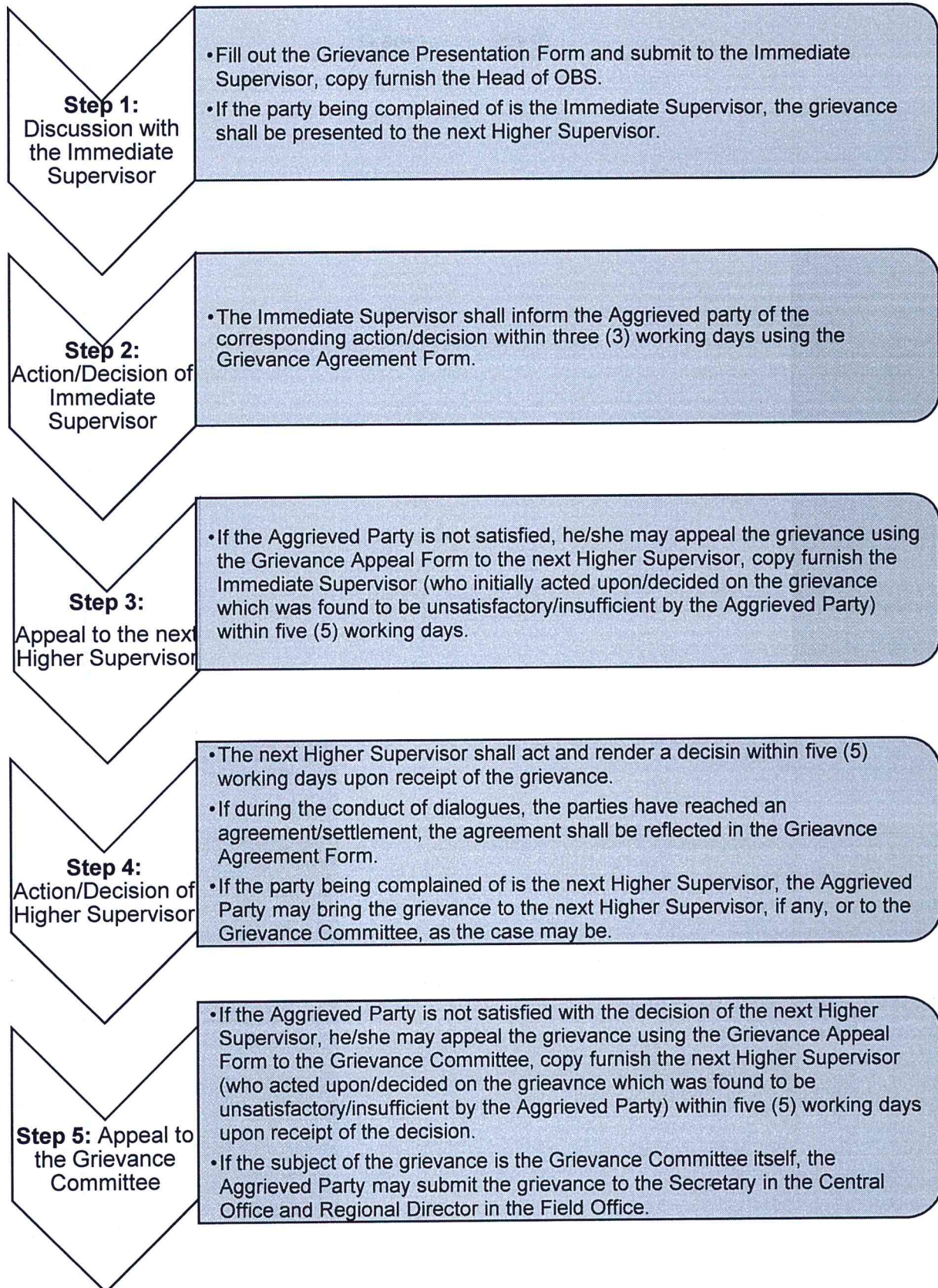
Issued on _____ at DSWD Central Office/Field Office (Provide the Office Address)

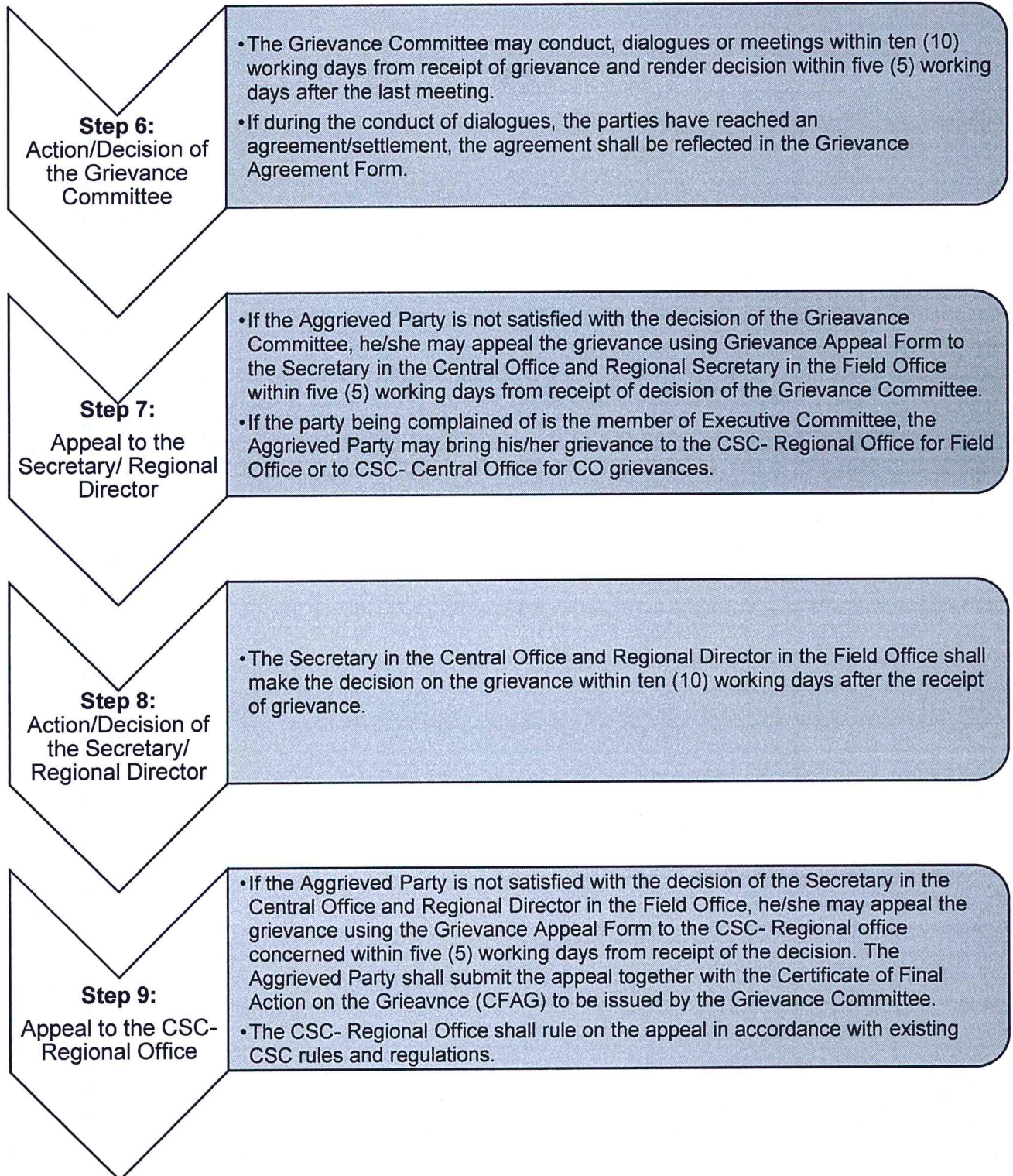
Grievance Committee Chairperson

<u>GRIEVANCE APPEAL FORM</u>			
Date:			
Aggrieved Party's Immediate Supervisor:			
Name of Aggrieved Party:		Subject of Grievance:	
Position Title/ Designation:		Position Title/ Designation (if applicable):	
Office:		Office (if applicable):	
<u>Narrative of Grievance:</u>			
Decision made by the immediate supervisor:			
(Attach the copy of the decision and/or Certificate of the Final Action on the Grievance if appeal is being submitted to CSC)			
This appeal is being submitted to the: (check the corresponding box)			
<input type="checkbox"/> Next Higher Supervisor	<input type="checkbox"/> Grievance Committee	<input type="checkbox"/> Secretary/ Regional Director	<input type="checkbox"/> CSC Regional Office
Reason for the Appeal:			
Signature over printed name of the Aggrieved Party:		Noted by: Signature over printed name of the Aggrieved Party's Immediate Supervisor Signature of over printed name of the Next Higher Supervisor	
Grievance Committee Chairperson			

CF: Immediate Supervisor of the Aggrieved Party whose action/decision was found insufficient/unsatisfactory, hence, causing the submission of this appeal to the next higher supervisor

PROCESS FLOW





HIERARCHY OF POSITIONS

OFFICE	PERSONNEL INVOLVED	IMMEDIATE SUPERVISOR	HIGHER AUTHORITY
Central Office	Undersecretary	Secretary	
	Assistant Secretary	Undersecretary Concerned	Secretary
	Director/Assistant Bureau Director	Assistant Secretary Concerned	Undersecretary Concerned
	Division Chief	HOBS	Assistant Secretary Concerned
			Undersecretary Concerned
Field Office	Below Division Chief	Division Chief	HOBS
			Assistant Secretary Concerned
			Undersecretary Concerned
	Regional Director/ Assistant Regional Director	Undersecretary for SWD	Secretary
	Division Chief	Assistant Regional Director Concerned	Regional Director
Field Office	Section/Unit Head	Division Chief	Assistant Regional Director Concerned
			Regional Director
	Below Section/Unit Head	Section Head	Division Chief
			Assistant Regional Director Concerned
			Regional Director