



COLLECTIVE NEGOTIATION AGREEMENT

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Philippine Government Employees Association
Public Services International

Overview

- **Introduction**
- **The Legal Foundation**
- **Registration / Implementation**
- **Essential Provisions**
- **Comparison between CBA & CNA**
- **PSU Tools**

Collective Negotiation Agreement or CNA

Collective Negotiation Agreement or CNA is a contract negotiated between an accredited employees' organization as the negotiating unit and the employer/management on the terms and conditions of employment and its improvements that are not fixed by law.

Introduction

Collective bargaining is one of the most important and useful institutions developed since the end of the nineteenth century. As a powerful instrument of dialogue between workers' and employers' organizations, collective bargaining / negotiation contributes to the establishment of just and equitable working conditions and other benefits, thereby contributing to social and **industrial** peace

Introduction

The public sector unionism is also described to be a unique arrangement. The right to form union was banned during the early years of Martial Law imposition in 1970s. However, right after the EDSA revolution, the right to organize union was restored through an Executive Order No. 180 with the implementing rules as contained in a series of PSLMC promulgations which is a policy-making body that decides on issues arising from the implementation of EO 180. (A. Ellson, 2011)

Introduction

Public employees occupy a special, unique position in the budgetary process given their substantial share of public finances.

They also face unusual challenges in forming political coalitions to protect against pressures generated as a result of real or imagined economic imperatives. These factors reinforce the position that public employees should have access to a bargaining process based on their primary status as employees, not as citizens or voters.

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The Legal Foundation of COLLECTIVE BARGAINING in the country emanates from:

1. UN instruments
2. ILO Conventions
3. The 1987 Philippine Constitution
4. The 1974 Labor Code of the Phil.
5. E.O. 180

As amended for the private sector and its implementing rules and regulations

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• Freedom of Association - Definition:

Freedom of Association encompasses the following concepts:

- absolute freedom to live in a community
- be part of an organization whose values or culture are closely related to what one wants
- to associate with any individual one chooses, or
- choose not to associate

The right to organize and to bargain collectively is closely linked to the other fundamental rights at work. It is the corollary of freedom of association. It is a constructive means of promoting the protection of workers, often in vulnerable situations, and enables the promotion of all of the fundamental rights.

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- **Definition:**

In the Labor Movement:

- **FoA means the right of employers and workers, including persons in the informal sector, to freely form and join organizations that promote and defend their interests at work, without interference from one another or the state.**
- **In the workplace, or under labor relations, the freedom of association takes shape in the right of workers' to organize, most often by forming and joining unions, and collectively bargain.**

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Convention 87 (1948)– Freedom of Association, Protection on the Right to Self-Organization –

- ensures the right of workers to establish and join organizations of their own choosing, the right to establish federations, confederations and the right to affiliate internationally. The full freedom to organize, conduct activities and formulate programs without interference from the public authorities is also enshrined. It protects unions from being dissolved by administrative authority

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Convention 98 (1949) – Right to Organize, Right to Negotiate Collectively and the Right to Strike -

- includes protection against **anti-union discrimination** and states that employment must not be subjected to conditions while no worker shall be dismissed because of union activities. It declares that employers should recognize union independence and must not **interfere** in the establishment, performance and administration of a union. Its second component states that workers have the right to participate in the **determination of the terms and conditions** of employment through **collective bargaining**.

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- *Convention 151 – Labor Relations Public Service Convention (1978)*

- establishes procedures appropriate to national conditions in determining terms and condition of employment in the **public sector**.

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Convention 154 – Collective Bargaining Convention (1981)

For the purpose of this Convention the term *collective bargaining* extends to all negotiations which take place between an employer, a group of employers or one or more employers' organisations, on the one hand, and one or more workers' organisations,

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- **CONSTITUTIONAL RIGHTS –
1987 Philippine Constitution**

Section 8, Article III Bill of Rights

The right of the people, including those employed in the public and private sectors, to form unions, associations, or societies for purposes not contrary to law shall not be abridged.

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- **CONSTITUTIONAL RIGHTS –
1987 Philippine Constitution**

Section 2(5), Article IX (B)

Civil Service Commission (CSC)

The right to self-organization shall not be denied to government employees

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Section 2, Article XIII Social Justice and Human Rights

The state shall afford full protection to labor and promote full employment and equality of opportunities to all.

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Section 3, Article XIII

Social Justice and Human Rights

It shall guarantee the rights of all workers to self-organization, collective bargaining and negotiations, and peaceful concerted activities, including the right to strike in accordance with law.

They shall be entitled to **security of tenure, humane conditions of work**, and a living wage.

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The State shall promote the principle of shared responsibility between workers and employers and the preferential use of voluntary modes in settling disputes, including conciliation, and shall enforce their mutual compliance therewith to foster industrial peace.

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The State shall regulate the relations between workers and employers, recognizing the right of labor to its just share in the fruits of production and the right of enterprises to reasonable returns to investments, and to expansion and growth.

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LABOR CODE OF THE PHILIPPINES

(P.D. No. 442 As Amended)

Article 244 RIGHT OF EMPLOYEES IN THE PUBLIC SECTOR

Employees of government corporations established under the corporation Code shall have the right to organize and to **bargain collectively with their respective employers. All other employees in the civil service shall have the right to form association for purposes not contrary to law.**

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Article 246 NON-ABRIDGEMENT OF RIGHT TO SELF- ORGANIZATION

*It shall be unlawful for any person to restrain, coerce, discriminate against or unduly interfere with employees and workers in their exercise of the right to self-organization. Such right shall include the right to form, join, or assist labor organizations for the purpose of **collective bargaining** through representatives of their own choosing and to engage in lawful concerted activities for the same purpose or for their mutual aid and protection, subject to the provisions of Article 264 of this code.*

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EXECUTIVE ORDER NO. 180 (1987)

**RULES AND REGULATIONS TO GOVERN THE
EXERCISE OF THE RIGHT OF GOVERNMENT
EMPLOYEES TO SELF-ORGANIZATION**

Define our constitutional rights to organize, **bargain collectively** and engage in peaceful concerted actions.

In accordance with the provisions of the 1987 Constitution.

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Legal Bases relating to CNA Incentives

- **PSLMC Res. No. 04, s. 1989**
- **PSLMC Res. No. 2, s. 2004**
- **Administrative Order 135**
- **DBM Circular 2006-1 (Feb. 1, 2006)**
- **COA Resolution No.: 2006-009 (June 6, 2006)**
- **DBM Budget Circular No. 2011-5 (Dec. 25, 2011)**

The CNA Incentive for FY 2011 shall be determined based on the amount of savings generated by an agency following the guidelines herein, but not to exceed P25, 000 per qualified employee.



Who

**can enter into a Collective
Negotiation Agreement or
CNA?**

An accredited union and the employer/management can enter into a Collective Negotiation Agreement.



When

**can a union start
negotiation with
management?**

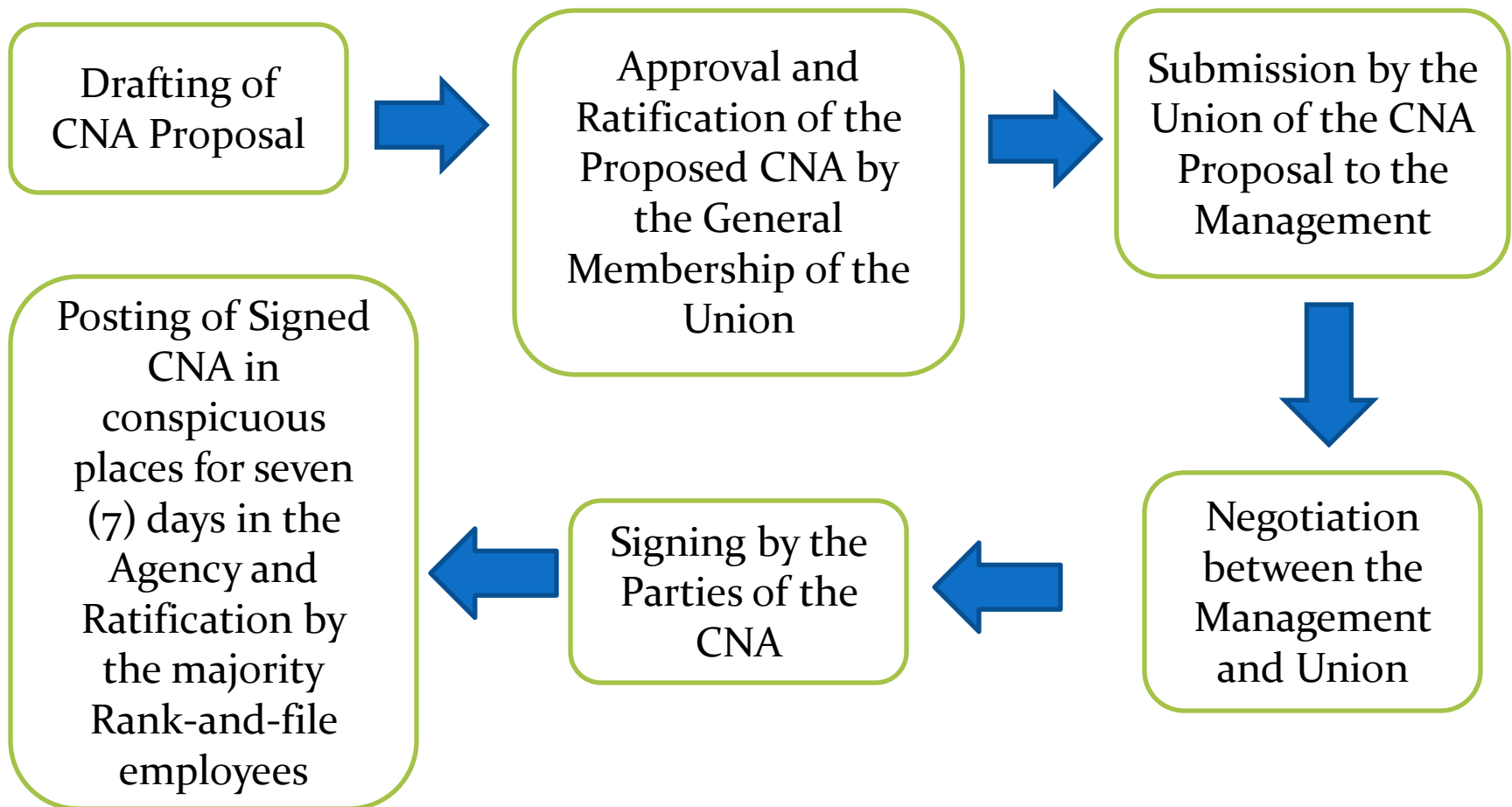
After a certificate of union accreditation is issued and within one (1) year the union shall submit its CNA proposal to management.



When shall the CNA take effect?

- Upon its signing by the parties and ratification by majority of the rank-and-file employees in the negotiating unit to be done within ninety (90) calendar days. Otherwise, the application for registration shall be denied. (*PSLMC Res. No. 02, s. 2007*)

- **STEPS in COLLECTIVE NEGOTIATION** between the Union and Management



Knowing the Subject of Negotiation

What can be negotiated?

1. schedule of vacation and other leaves;
2. personal growth and development;
3. communication system-internal (lateral and vertical), external;
4. work assignment/reassignment/detail/transfer;
5. distribution of work load;

6. provision for protection and safety;
7. provision for facilities for handicapped personnel;
8. provision for first aid medical services and supply;
9. physical fitness program;
10. provision for family planning services for married women;
11. annual medical/physical examination;
12. recreational, social, athletic and cultural activities and facilities;
13. CNA incentive pursuant to PSLMC Resolution No. 4, s. 2002 and Resolution No.2, s. 2003; and
14. such other concerns which are not prohibited by law and CSC rules and regulations.

Examples of Negotiable Items

1. Bulletin Boards and Union Office
2. Compensatory Time-Off (Overtime Pay)
3. Grace Period on Hours of Work
4. Hazard Pay
5. Representation in Committees
6. Stipend for Scholars
7. Union Time Off
8. Union Space



What cannot be negotiated?

Compensation Matters:

- 1. Increases in salary;**
- 2. allowance**
- 3. travel expenses; and**
- 4. other benefits that are specifically provided by law**



- **Examples of NON-NEGOTIABLE ITEMS**

1. **Allowances:**

- a. **Christmas Grocery Allowance**

- b. **Rice Allowance**

- c. **Subsistence Allowance**

2. **Bonuses:**

- a. **Anniversary Bonus**

- b. **Birthday Month Bonus**

- c. **Christmas Bonus/Cash Gift**

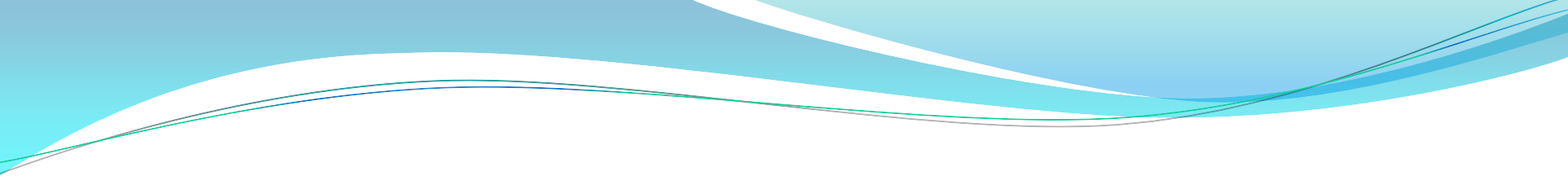
- d. **Loyalty Bonus**

3. Assistance/Aid/Insurance

- a. Bereavement Assistance
- b. Social Development Assistance
- c. Death Benefit
- d. Calamity Aid
- e. Crisis Management Aid
- f. Insurance

4. Other Monetary Benefits

- a. Fringe Benefits
- b. Longevity Pay
- c. Year-End Benefits
- d. 14th Month Pay



5. Health Care/Maintenance:

- a. Annual Health Care Benefit
- b. Hospitalization Assistance
- c. Medical, Dental and Optical Health Maintenance Program
- d. Work-Connected Injury

6. Leaves:

- a. Chronic Illness/Disease Leave
- b. Day-Off for Travel and Travel Leave
- c. Emergency Leave/Special Leave Privileges



7. Others:

- a. Employment of Next of Kin
- b. Housing Program
- c. Service Vehicle

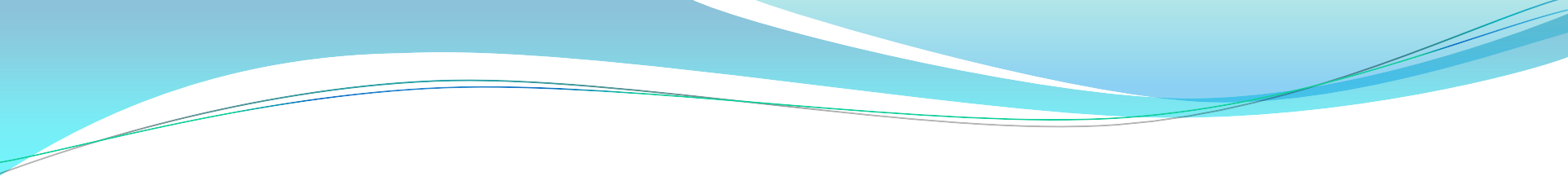


What

are the essential provisions of a CNA?

Generally, a CNA contains the following essential provisions:

- 1. Declaration of Principles;**
- 2. Coverage/Scope of Representation;**
- 3. Union Recognition and Security;**
- 4. Union Rights and Privileges;**
- 5. Management Prerogatives and Responsibilities and Union Responsibilities**

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- and accountability;
6. Recruitment, Placement and Career Dev't;
 7. Health and Safety;
 8. Cost-Cutting Measures;
 9. Employees Benefits Program;
 10. Grievance Machinery;
 11. Dispute Resolution;
 12. Entirety and Modification Clause;
 13. Separability Clause
 14. Effectivity and Duration



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