



# Public Sector Labor-Management Council

Civil Service Commission Central Office Building  
Batasang Pambansa Complex, Constitution Hills, Diliman, 1126 Quezon City  
Telefax No.: 931-4149

Re: **NON-REGISTRATION OF THE COLLECTIVE NEGOTIATION AGREEMENTS (CNA); ITS EFFECTS**

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## PSLMC RESOLUTION

**WHEREAS**, Rule XIII (Registration of Collective Negotiation Agreements) of the Amended Implementing Rules and Regulations (IRR) of Executive Order No. 180 in relation to PSLMC Resolution No. 2, s. 2007 dated July 19, 2007 that within ninety (90) calendar days from the execution of the Collective Negotiation Agreement (CNA), the parties thereto shall submit to the Civil Service Commission-Personnel Relations Office (CSC-PRO), four (4) signed original copies of the agreement;

**WHEREAS**, Sections 1 and 2, Rule XVI of the Amended Implementing Rules and Regulations (IRR) of Executive Order No. 180, enumerates that the Unfair Labor-Management Practices (ULP) can be committed either by the management or the union, to wit:

*"Section 1. On the part of the agency.-The following shall constitute unfair labor-management practices on the part of the agency:*

- (a) interfering with, restraining, or coercing employees in the exercise of their right to self-organization;*
- (b) requiring as condition of employment that an employee shall not form or join an employees' organization or shall withdraw from one to which he/she belongs;*
- (c) discriminating in regard to work schedules, places of assignment and other terms and conditions of employment in order to encourage or discourage membership in any employees' organization;*
- (d) terminating the services or discriminating against any employee for having signed or filed an affidavit, petition or complaint or given any information or testimony against the head of agency or members of top management;*
- (e) refusing to collectively negotiate in good faith with the accredited employees' organization;*
- (f) violating any of the provisions of the Collective Negotiation Agreement;*

- (g) *refusing to comply with the provisions of the Conciliation Agreement signed with the registered and/or accredited employees' organization and attested by the CSC-PRO or other CSC authorized representative; and'*
- (h) *other analogous acts as may be determined by the PSLMC;*

*Section 2. On the part of the employees' organization.-The following shall constitute unfair labor-management practices on the part of the employees' organization:*

- (a) *restraining or coercing any employee to form or join an employees' organization or its activities;*
- (b) *causing or attempting to cause the agency head or other officers to discriminate against an employee who has not joined or has withdrawn membership from the employees' organization;*
- (c) *refusing to collectively negotiate in good faith with management;*
- (d) *violating any of the provisions of the Collective Negotiation Agreement;*
- (e) *refusing to comply with the provisions of the Conciliation Agreement signed with management and attested by the CSC-PRO or other CSC authorized representative; and, other analogous acts as may be determined by the PSLMC."*

**WHEREAS**, most of the abovestated offenses can be committed either by the management or the union/employees' association with or without existing CNA;

**WHEREAS**, the Council observed that despite of the existence of CNA's some employees' association failed to register their respective CNA's;


**WHEREAS**, despite of the non-registration of the employees' association of their respective CNAs, they sought refuge to the PSLMC through the CSC-PRO by filing a complaint of ULP which emanated from Sections 1 and 2, Rule XVI (Unfair Labor-Management Practices) of the Amended Implementing Rules and Regulations (IRR) of Executive Order No. 180;

**WHEREAS**, in order to strengthen the registration of ratified CNA's and at the same time regulate the filing of ULP cases before the Council, the registration of CNA's should be a condition precedent for those employees' association who have CNA's before the Council will take cognizance on the ULP complaint;


WHEREFORE, the Council **RESOLVES**, as it hereby **RESOLVED**, that the CSC-PRO is authorized to **DISMISS** complaints for **UNFAIR LABOR PRACTICE** arising from violation of Sections 1 (f) or 2 (d), Rule XVI of the Amended Rules and Regulations Governing the Exercise of the Right of Government Employees to Organize in case of unregistered Collective Negotiation Agreement without prejudice to its refilling after compliance with the provisions of Rule XIII of the said Amended Rules and Regulations.

Quezon City, 25 OCT 2011

  
**FRANCISCO T. DUQUE III**  
Chairman, Civil Service Commission  
**CHAIRMAN**

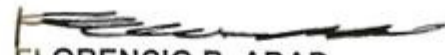
  
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Secretary, Department of Labor and Employment  
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**MEMBER**

Department of Justice  
CN : 0201107171



  
**FLORENCIO B. ABAD**  
Secretary, Department of Budget and Management  
**MEMBER**

ATTESTED BY:

  
**ALAN F. ALEGRIA**  
Director IV, Personnel Relations Office  
Civil Service Commission  
**Head, PSLMC Secretariat**

