

COMPARATIVE ANALYSIS OF SELECTED CNAs and CBAs OF UNIONS IN THE PHILIPPINE PUBLIC SERVICES



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Trade Union Solidarity Centre of Finland

A project by:
Public Services International
Trade Union Rights Philippines

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COMPARATIVE ANALYSIS OF SELECTED CNAs and CBAs OF UNIONS

IN THE PHILIPPINE PUBLIC SERVICES¹

ABSTRACT

This study of selected collective negotiated labor-management agreements (CNA - public sector) and collective bargaining agreements (CBA – private sector) had been undertaken with the premise that collective bargaining process both in the public and private sector is governed by laws and policies to avoid any discriminatory acts and that such laws and policies are implemented with uniformity. As such, the research framework was guided by an adopted model of input and output model that starts with an analysis of the basic inputs (e.g., government laws, legislations and policies) and the role of the key players (union and government offices) with the facilitation of specific government institutions (Department of Labor and Employment {DOLE}, Civil Service Commission {CSC}, Department of Budget Management {DBM}, and Commission on Audit {COA}). The research recognized the role and mindsets of the key players, labor and management in framing the contract (CNA and CBA) which contained the terms and conditions and other specific provisions duly agreed upon by the bargaining agents.

A comparative analysis of 81 CNAs and 13 CBAs of unions involved in the delivery of public services coming from the affiliates of Public Services International in the Philippines (PSI-Phils.) and other independent unions. Content analysis was done by identifying the common provisions and special/unique provisions to identify differences and nuances in setting the provisions of CNAs and CBAs with the

¹Prof. Adela G. Ellson as the lead researcher in cooperation with the Trade Union Rights Project - Public Services International – Philippines. This paper is reviewed and referred by the TUR Committee Members composed of the duly appointed representative coming from the different local affiliates of PSI - Phils.

purpose of using the results as a guide for future negotiations of other unions in the public services. Another objective of the study is to assess the compliance level of the public sector unions with reference to the provisions of Executive Order 180, where almost all unions showed full adherence. In addition, observations and conclusion were generated from the outputs, questions and feedback raised during the conduct of a series of forum and consultation (5 events) among the affiliates of PSI in Manila, Mindanao, Visayas, and Central Luzon.

Results indicate that the bargaining process is affected by the mindsets of the key players (roles, goals and functioning) as well as the mindsets of the implementers of the facilitating government agencies (as reflected in the differences in the interpretations of government policies). The competencies of the bargaining agents also influenced the process of the negotiation. As such, these factors led to differences in the bargaining outputs and created confusion among the public sector unions as manifested by low rate of recognition of bargaining agents and very few concluded CNAs as reflected in the records of the CSC.

Based on the results of the study, it is also ruled out that there is lack of awareness and negotiation skills on the part of the union panel on how to bargain effectively. This calls for the need to strengthen programs on awareness building, skills enhancement, and capability building. Also, there is a need for leveling the mindsets of the implementers within the government facilitating agencies to avoid multi-interpretations of the policies and guidelines that govern the collective bargaining process.

Lastly, both labor and management must be oriented that their main goal in bargaining is to decide what is necessary to harness good relationship between them. Thus, the bottom line is ... what is good for the company and not for interest of a specific group.

Key words: collective bargaining, public sector, private sector, government facilitating agencies

INTRODUCTION

The union as a form of workers organization was originally perceived to protect workers right, welfare and interest. This purpose could be achieved by negotiating effectively a collective contract that would specify the terms of conditions of employment (both economic and non-economic) and other provisions that will foster sound labor-management relations necessary for the continuous and effective functioning of an organization.

Union is a result of an inherent right of every individual to join an organization and an application of an individual's right to express. This is contained in International Labor Organization's ILO Convention No. 87 (on the Freedom of Association) and Convention No. 98 (on the Right to Organize and Collectively Bargain). Flippo (1984) (as cited by Edralin: 1999), postulated that unions are formed by the workers "to promote protect, and improve, through collective action, the social economic, and political interests of its members." Furthermore, it can be traced from the history of labor relations that collective bargaining, was originally coined by the Webbs (as cited by Hutt:1954) have used to cover negotiations between employers and work-people when the workpeople act in concert and the employer meets a collective will. Corrollarily, ILO recommendation No. 91, defines collective agreements as "all agreements in writing regarding working conditions and terms of employment concluded between an employer, a group of employers or one or more employers' organizations, on the one hand, and one or more representative workers' organizations, or, in the absence of such organizations, the representatives of the workers duly elected and authorized by them in accordance with national laws and regulations, on the other (ILO:1996).

The Philippine Labor Code (1998) defines a labor organization as "any union or association of employees which exist

in whole or in part for the purpose of collective bargaining or of dealing with employers concerning terms and conditions of employment.” Thus, a union is automatically equated with the right to collective bargaining and that public sector union has the right to negotiate a contract.

In collective bargaining, there is also an issue of relationships. As cited by Hince and Lynch (n.d.), industrial relations is about the relationships and inter-relationships between workers (unions), managers and employers, groups of managers or employers (employers’ associations, industrial tribunals and government.” Thus, these relationships are deemed to establish sound relationships, to be able to formulate acceptable and appropriate terms and conditions of employment (e.g., hours of work, standard working hours, leaves, occupational health and safety, compensation, and conditions under which workers are hired, fired and disciplined, and other substantive issues that will be dealt with in these relationships.

From the definitions, practices, and rules on collective bargaining, the output of the process contains all areas of terms and conditions of employment to include the right to bargain for wages and compensation. The passage of Executive Order 180 in 1987 have made a major change and called for debates in the process of collective bargaining in the public sector. The order has set the coverage as well as the limitations on the coverage and scope of provisions that may be contained in the CNA. Thus, the order also created a labor relations system in the public sector that is unique and questionable, since the right to negotiate for wages and similar provisions are excluded.

In view of the foregoing discussions, it is the intention of this study to prepare a comparative analysis of the various CNAs and CBAs of unions in the public services to prove if there is a gap

between the provisions and privileges of those in the private sector and public sector as an effect of EO 180.

AN OVERVIEW OF THE PHILIPPINE INDUSTRIAL RELATIONS SYSTEM

A. The Private Sector Unionism

In the private sector, the Philippine Labor Relation System (PIRS) is described to be chaotic, and problematic. It can also be compared to any sports game, where the labor union is already declared as a loser, even before the game has started. Similarly, the relationship is also described to be very adversarial, and that, collective bargaining is compared to waging a war between labor and management panels. In addition, the misconception thrown against unions led to an acceptable notion of unionism among management practitioners. The strange relationship between and among labor federations in the private sector which led to a divisive labor sector and consequently resulted to the presence of 135 registered federations and labor centers, and 1,632 unions (composed of affiliated and independent unions, comprised of 1,353, 000 workers) as cited in the Philippine Labor statistics 2010. Such presence of many federations and labor centers is only present in the Philippine scenario. Comparing this data with the global scenario of labor relations system, it is worth to note the normal set up for developed countries is the presence of only one unified labor federation and one labor center, and that these factors have greatly affected the level of bargaining power of the workers. Also, there is a decline in the rate of registered unions since the offshoot of the new global arrangements where contractualization of labor conquered the Philippine labor relations system.

B. The Public Sector Unionism

The public sector unionism is also described to be a unique arrangement. The right to form union was banned during the early years of the Martial Law imposition in the early 1970s. However, right after the EDSA revolution, the right to organize union was restored through an Executive Order 180 with implementing rules as contained in a series of Public Sector Labor Management Council (PSLMC) promulgations which is a policy-making body that decides on issues arising from the implementation of the said EO 180.

As cited by Anonuevo (2005), the main feature of the private sector unionism is similar to that of the private sector. He furthered that, “This bargaining system is controversial and is subject to reforms since it does not cover financial matters and the so-called management prerogatives. Since all are ‘first time agreements’ the CNAs are seen as a step in institutionalizing trade unions in the workplaces. But the big discourse ... is if collective bargaining in the public sector is merely a category of ‘motion in substance’ rather than genuine bargaining. One union calls it a joke while for others it is not bargaining at all since salary is not involved”.

Edralin also mentioned that Baldoz (1995), explained that collective bargaining, which is basically a wage-setting and dispute settlement system, is the centerpiece of the industrial relations in the Philippines. Based on this contention, it can be observed that this policy is not applicable to the public sector due to the limitations set by EO 180 specifically the exclusion of wages and similar provisions.

It must also be noted that collective bargaining in the public sector involves several agencies in the government, the Civil

Service Commission (SSC) the Department of Budget and Management, (DBM), the Commission on Audit (COA) and in some instances, the Department of Labor and Employment. With the foregoing discussions, it can also be observed that the collective bargaining seems to differ not only in style and but also in substance compared with that of the private sector.

Quoted below is the mandate of the SCS, as the lead agency to govern public sector unionism, to wit:

Harnessing Public Sector Unionism (PSU) is one of the major thrusts of the Civil Service Commission. It is in the pursuit of this objective that the Commission restored on March 3, 2003 under CSC Resolution No. 03-0328 the Office for Personnel Relations (OPR) which was abolished in 1994. It was renamed Personnel Relations Office (PRO) and given the challenging task of promoting responsive management and responsible public sector unionism as key partners to effective governance.

Composed of three (3) divisions - the Registration, Accreditation and CNA Division, and the Public Sector Labor Management Council (PSLMC) Concerns Division, the PRO is committed to the creation of harmonious working atmosphere between a management and an employee's organization which mutually respect each other's rights. (Source: CSC: <http://www.csc.gov.ph/>)

However, many criticisms were raised on the issue of the delivery of the said mandate. The scenario is the same with the other facilitating agencies, the COA and the DBM. And that, the question always raised is... “Are these government agencies doing their role and function in accordance with their mandate and authority?”

METHODOLOGY

Descriptive and comparative research designs were adopted in the conduct of the research.

The original target of the study is to cover at least 30% of the unions in the public services. However, during the initial stage of gathering CNAs, the researcher encountered some problems, particularly in securing CNAs from the concerned government agencies. The agency refused to furnish copies of registered CNAs in their office on the ground that CNAs are “confidential documents”. Instead, the researcher was told to secure CNAs direct from the unions involved. At the same time, a federation also refused to share their CNAs on the claim that their CNA might be copied by other federations. This issue prompted the researcher to lessen the coverage, only to analyze the CNAs and CBAs of the selected affiliates of PSI who voluntarily agreed to share their contracts.

A comparative analysis of 81 CNAs from the public sector and 13 CBAs from the private sector, majority are from the affiliates of the Public Services International – Philippines were assessed in terms of coverage and scope. In addition, the observations, proceedings and feedback derived from a series of forum and consultation with selected union officers and local unions from the different areas in the Philippines (Manila, Visayas, Mindanao and Central Luzon) were considered as a primary input to the study.

Content analysis of the CBAs and CNAs was done to determine the common provisions as well as the unique and special provisions negotiated through collective bargaining. At the same time, the collected data through an analysis of CBAs and CNAs were examined using simple averaging and occurrences of similar provisions as prescribed by EO 180 to determine the adherence with the said order.

CONCEPTUAL FRAMEWORK

The process of collective bargaining is a long and never-ending process of negotiation involving the union panel and management representatives who carry the goals and aspirations of the two parties. As cited by Edralin (1999), Byars and Rue (1991) defines collective bargaining as a process that involves the negotiation, drafting, administration and interpretation of a written agreement between an employer and a union for a specific period of time.

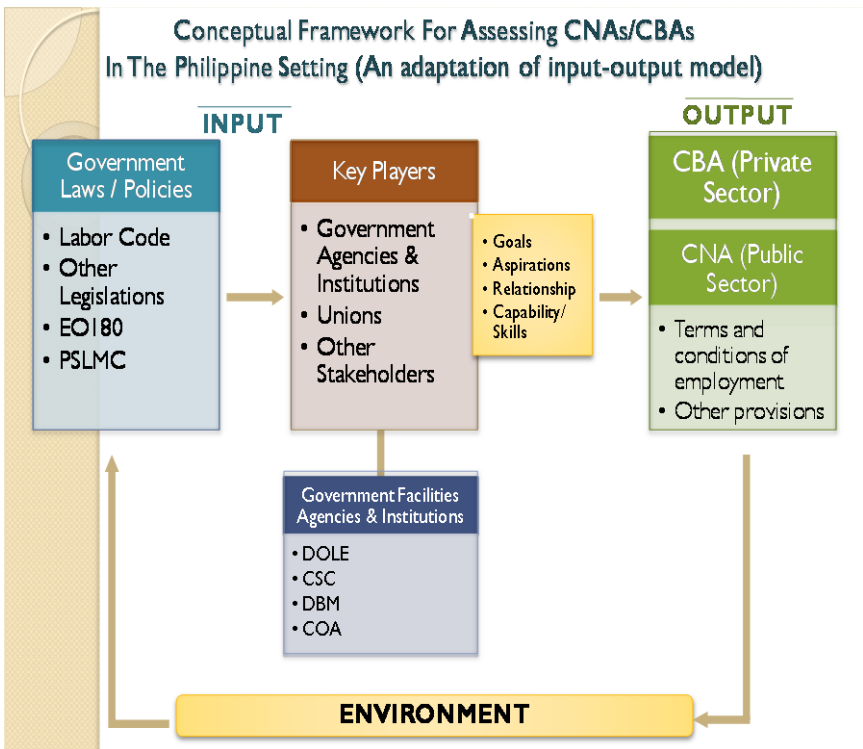
The conceptual framework adopted for the conduct of the study is illustrated below. Inspired by the input-output model, the approach started assessing the effect of government legislations and policies as well as the mindset, behavior, and relationship that exist between and among the key players within the system. For the negotiations process in the public sector, SCS takes the lead role, DBM does the approval and allocation, of the budgetary requirements, and COA does the approval and disapproval of the application of the allocated and released budget. Specifically, the model looked into the role and influence of the government agencies, namely, the CSC, DBM, and COA that are mandated to facilitate the CNA negotiation. As far as the private sector is concerned, the process is heavily dependent on the capability and mandate of the union and management panel to bargain. The government agencies will only intervene if only called for by the two leading agents. DOLE through the National Conciliation and Mediation Board (NCMB) or Industrial Relations Division of the Regional Offices acts as the lead government agency mandated to mediate, reconcile, or settle any conflict or dispute during the collective bargaining process.

The quality of input as well as the process of negotiation will determine the level of cooperation or disagreement between the management panel and the union panelist. It must be highlighted that the goals, aspirations, and behavior of the agencies will also affect the conduct of the process. It is often manifested in the key players' interpretation of the government laws, policies and

other legislation. Thus, the output which is either the CNA or CBA will also be affected.

As shown in the schematic diagram, the end result of the collective bargaining process is a contract which is called the Collective Bargaining Agreement or simply CBA for the private sector and Collective Negotiated Agreement or just CNA in the case of the public sector. It is also considered in the framework that, the process is affected by the environment, both internal and external factors as well as the goals, power and influence of the bargaining agents. It is further assumed that the output from the arrangement is reverted back to the system which will again be the source of goals, aspirations and influence of the bargaining agents.

Figure 1: The Schematic Diagram of the Conceptual Framework



ENVIRONMENT

RESULTS AND FINDINGS

In assessing the actual process of negotiation both in the private and public sectors, (based on the consultations and feedback from unions) two different patterns can be drawn. Figure 2 illustrates the flow of activities that undertake before a CBA can be concluded and implemented. On the other hand, Figure 3, demonstrates the trail of undertakings before a CNA can be approved and implemented.

Figure 2: Flow Chart of Collective Bargaining Process (For The Private Sector)

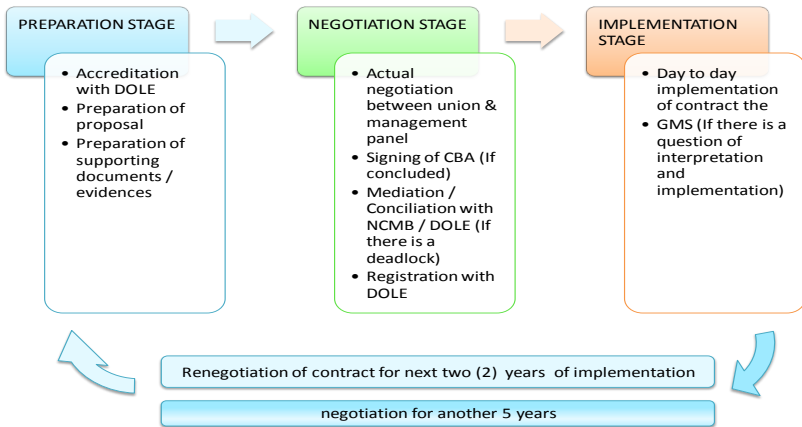
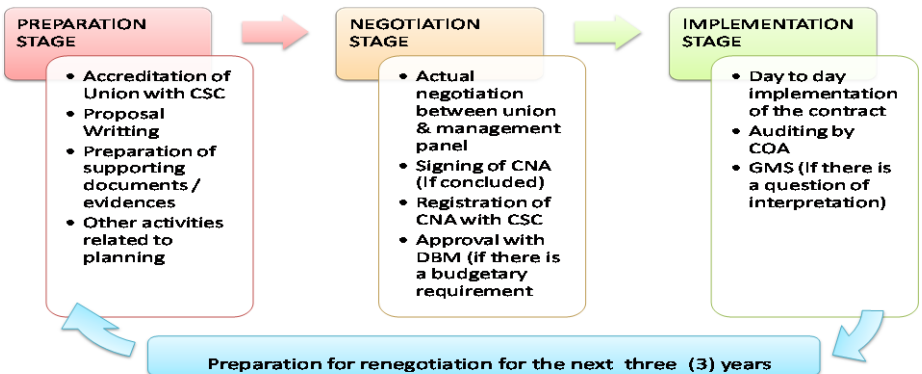
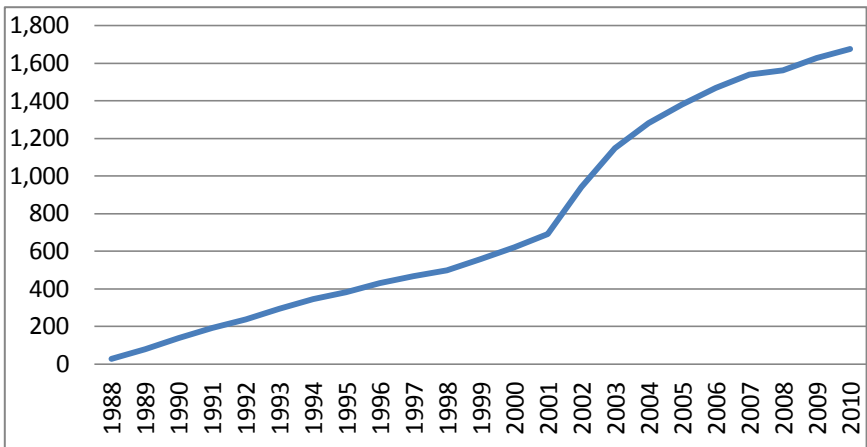


Figure 3. Flow Chart of Collective Bargaining Process (For The Public Sector)



In doing a scanning of the labor statistics, the following data are quoted to give support to the analysis of the extent of public sector unionism in relation to the coverage of bargaining and in the nature of provisions negotiated and approved by the facilitating government agencies.

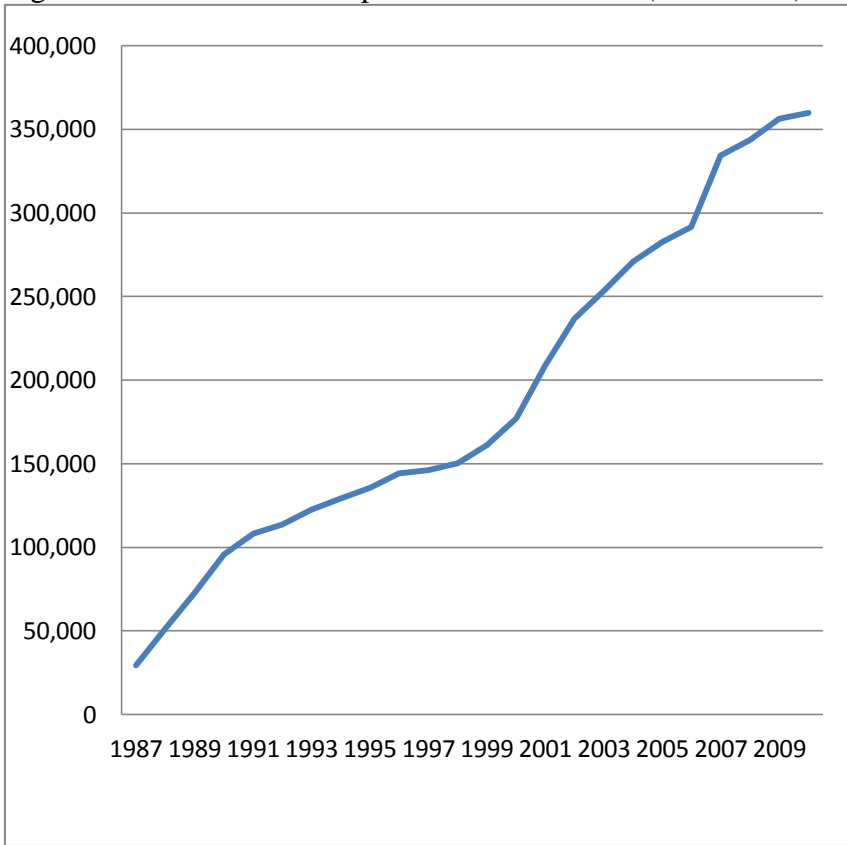
Figure 4. Number of Unions in the Public Sector (1988-2010)



Source: Figure derived from the data taken from labor statistics of DOLE website: <http://www.dole.gov.ph>

Figure 4 shows that there is an upward trend in the accreditation of unions in the public sector. Figure 5, which reflects the union membership in the public sector has the same behavior of going upwards. However, it is noticeable that from 2009 to 2010, the increase in membership remained constant.

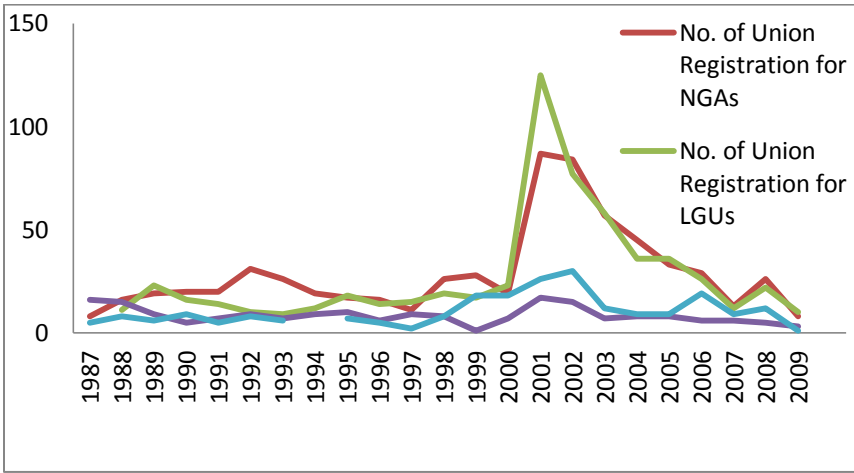
Figure 5. Union Membership in the Public Sector (1987-2010)



Source: Figure derived from the data taken from CSC statistics
Website: [mhttp://www.dole.gov.ph](http://www.dole.gov.ph)

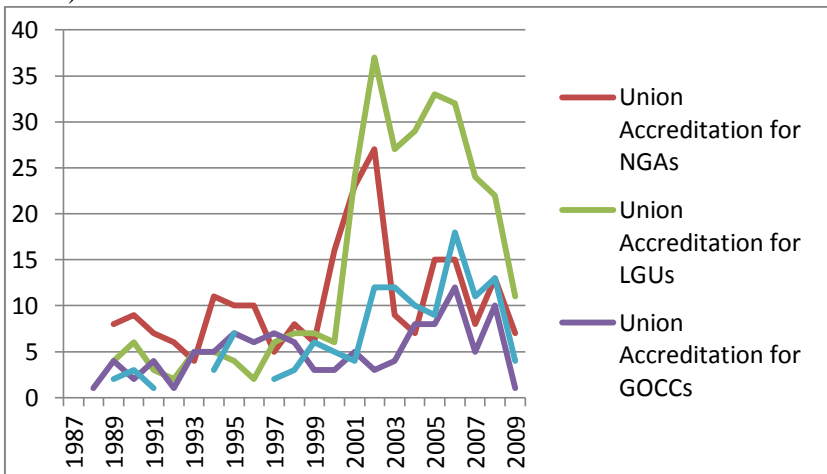
Figure six illustrates that among the four groups of unions in the public sector, the LGUs category had the most number of union registration for the year 2001, and seconded by NGAs in the same year. However, the trend dropped in the following years. Same observation is the same for other groups, since all categories remained low.

Figure 6. Union Registration in the Public Sector (1987-2009)



Source: Figure derived from the data taken from CSC statistics Website” <http://www.csc.gov.ph>.

Figure 7. Union Accreditation in the Public Sector (1987-2009)

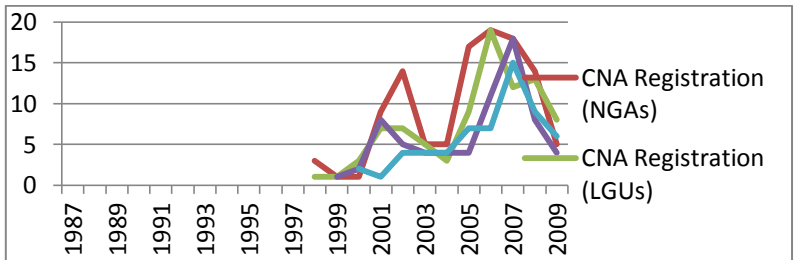


Source: Figure derived from the data taken from CSC statistics website: <http://www.csc.gov.ph>

Furthermore, based on the data derived from the CSC, as of 2009, there are 333 registered CNAs out of 755 accredited unions coming from 1,686 registered unions in the public sector. It can be observed that not all registered unions and accredited unions have concluded their CNAs. Only 44% out of 755 accredited unions were able to finish the entire process of negotiation. Below is Figure 8 which reflects the trends of registration/accreditation and CNA registration.

From the CSC data, it can also be observed that, registration started in 1987 but accreditation started in 1988. Though the call for registration started in 1987, only one CNA was registered in 1993. It was only in 2007 where 63 CNAs were registered.

Figure 8: Union Registration/Accreditation and CNA registration



Source: Derived from the data taken from CSC website”<http://csc.gov.ph>

Following are the findings based on the analysis of the selected CNAs and CBAs of unions affiliated with the PSI with corresponding percentages of occurrences of the different provisions commonly cited in almost all contracts.

Table 1. List of Common Provisions and Percentage of Occurrences among Government-Owned and Controlled Corporations

COMMON PROVISIONS	% of Occurrence
Acknowledgement of EO 180	95%
Code of Conduct and Ethics	5%
Declaration of Principles	79%
Scope of Agreement	89%
Recognition and Security	95%
Management Prerogative and Shared Responsibility and Accountability	32%
Employees Rights and Benefits	95%
Overtime, Holiday, Rest, Nightshift, Hazard Pay	84%
Leave Benefits	84%
Monetization of Leave Benefits	26%
Anniversary Bonus	21%
Birthday Bonus	11%
Lesser Working load for pregnant women	21%
Wage/Salary Increase	0%
CNA Incentive	53%
Rewards and Incentives	53%
Housing Program/Benefits	37%
Rice Subsidy/Allowance	21%
Retirement, Resignation and Death Benefits/Privileges	63%
Safety, Health and Environment Conducive to Work	84%
Medical and Hospitalization	63%
Professional Growth and Development/ Career Development	74%
Selection and Promotion of Employees	58%
Grievance Machinery	79%
Personnel Rights and Representation	53%
Labor-Management Consultative Council	79%
Office Space and Equipment for Union (bulletin board, computer units, etc.)	68%
Union privileges (meetings, general assembly, labor education, etc.)	74%
Livelihood/Income Generating Project	26%
Employees' Family Day Celebration	11%
Family Planning	32%
Gender Development	26%
Printing of the Approved CNA/CBA shouldered by the	21%

company/agency	
Common provisions	% of occurrences
No strikes, slowdown, or stoppage of work	21%
Privatization	21%
Table 1 continued...	
Common provisions	% of occurrence
Technological Changes	6%
Sports/Cultural Activities	68%
Saving/Separability Clause	79%
Duration of the Agreement	100%

Source: Analysis of CNAs

The data shown in the foregoing table was derived from an analysis of 12 CNAs of unions coming from the GOCCs. The data showed a 95% adherence with EO 180. Similarity of provisions was observed with percentages ranging from 53% to 95%. However, there are some provisions that generated low scores from the rate of 21% to the lowest rating of 6%. Those that garnered rating cover issues on technological changes, code of ethics, privatization clause, printing of CNAs to be shouldered by the management, gender development, family day celebration, family planning, income generating and livelihood projects, rice subsidy, lesser working load for pregnant women, birthday bonus, anniversary bonus, and code of ethics.

Table 2, the list of common provisions and percentage of occurrences for GFIs was generated from a comparative analysis of two CNAs. It can be observed that only one institution adhered to the prescription of EO 180. Furthermore, both CNAs did not indicate any provision for management prerogative and shared responsibility and accountability, birthday bonus, lesser working hours for pregnant women, housing program, medical and hospitalization, union privileges, income generating projects, funding for printing of CNAs, gender development, and privatization.

Table 2. List of Common Provisions and Percentage of Occurrences among Government-Funding Institutions (GFIs)

COMMON PROVISIONS	% of occurrence
Acknowledgement of EO 180	50%
Code of Conduct and Ethics	50%
Declaration of Principles	50%
Scope of Agreement	100%
Recognition and Security	100%
Management Prerogative and Shared Responsibility and Accountability	0%
Employees Rights and Benefits	100%
Overtime, Holiday, Rest, Nightshift, Hazard Pay	100%
Leave Benefits	100%
Monetization of Leave Benefits	0%
Anniversary Bonus	50%
Birthday Bonus	0%
Lesser Working load for pregnant women	0%
Wage/Salary Increase	0
Rewards and Incentives	100%
Housing Program/Benefits	0
Table 2 continued...	
Common Provisions	% of occurrences
Rice Subsidy/Allowance	100
Retirement, Resignation and Death Benefits/Privileges	50%
Safety, Health and Environment Conducive to Work	50%
Medical and Hospitalization	0%
Professional Growth and Development/ Career Development	100%
Selection and Promotion of Employees	100%
Grievance Machinery	50%
Personnel Rights and Representation	50%
Labor-Management Consultative Council	50%
Office Space and Equipment for Union (bulletin board, computer units, etc.)	100%
Union privileges (meetings, general assembly, labor education, etc.)	0%
Livelihood/Income Generating Project	0%
Employees' Family Day Celebration	0%
Family Planning	0%
Gender Development	0%
CNA Incentive	50%

Privatization	0%
Technological Changes	50%
Sports/Cultural Activities	50%
Saving/Separability Clause	50%
Duration of the Agreement	100%

Source: Comparative Analysis of CNAs

Table 3. List of Common Provisions and Percentage of Occurrences among State Universities and Colleges (SUCs)

COMMON PROVISIONS	% of Occurrence
Acknowledgement of EO 180	71%
Code of Conduct and Ethics	14%
Declaration of Principles	29%
Scope of Agreement	71%
Recognition and Security	71%
Management Prerogative and Shared Responsibility and Accountability	29%
Employees Rights and Benefits	71%
Overtime, Holiday, Rest, Nightshift, Hazard Pay	86%
Leave Benefits	100%
Monetization of Leave Benefits	14%
Anniversary Bonus	0%
Birthday Bonus	0
Lesser Working load for pregnant women	0
Table 3 continued...	
Common provisions	% of occurrence
Wage/Salary Increase	0
Rewards and Incentives	29%
CNA Incentive	100%
Housing Program/Benefits	43%
Rice Subsidy/Allowance	14%
Retirement, Resignation and Death Benefits/Privileges	71%
Safety, Health and Environment Conducive to Work	71%
Medical and Hospitalization	43%
Professional Growth and Development/ Career Development	86%

Selection and Promotion of Employees	57%
Grievance Machinery	86%
Personnel Rights and Representation	57%
Labor-Management Consultative Council	57%
Office Space and Equipment for Union (bulletin board, computer units, etc.)	100%
Union privileges (meetings, general assembly, labor education, etc.)	57%
Livelihood/Income Generating Project	43%
Employees' Family Day Celebration	0%
Family Planning	14%
Gender Development	29%
Printing of the Approved CNA/CBA shouldered by the company/agency	29%
No strikes, slowdown, or stoppage of work	14%
Privatization	0%
Technological change	14%
Sports and Cultural Activities	57%
Saving/Separability Clause	86%
Duration of the Agreement	86%

Source: Comparative analysis of CNAs and one CBA

Table 3, reflects the contents of seven CNAs among state universities and colleges and selected schools. It must be noted that the highest rating of occurrences (ranging from 90 to 95) are on the provisions on leave benefits, safety and health, and professional growth and development.

As shown in Table 4, from an analysis of common provisions of 20 CNAs in the Local Government Units, reflected that the highest rate of occurrences ranging from 90 to 95% are present on the provisions concerning vacation leaves, safety and health, union privileges, and sports and cultural activities. The lowest percentage ranging from 0 to 5 percent are on provisions concerning birthday bonus, family planning, gender development, publication of CNA, technological change, and privatization.

Table 4. List of Common Provisions and Percentage of Occurrences among Local Government Units (LGUs)

COMMON PROVISIONS	% of Occurrence
Acknowledgement of EO 180	43%
Code of Conduct and Ethics	52%
Declaration of Principles	57%
Scope of Agreement	62%
Recognition and Security	71%
Management Prerogative and Shared Responsibility and Accountability	19%
Employees Rights and Benefits	67%
Overtime, Holiday, Rest, Nightshift, Hazard Pay	86%
Leave Benefits	90%
Monetization of Leave Benefits	29%
Anniversary Bonus	10%
Birthday Bonus	0
Lesser Working load for pregnant women	33%
Wage/Salary Increase	0
Rewards and Incentives	38%
CNA Incentive	48%
Housing Program/Benefits	24%
Rice Subsidy/Allowance	10%
Retirement, Resignation and Death Benefits/Privileges	71%
Safety, Health and Environment Conducive to Work	95%
Medical and Hospitalization	24%
Professional Growth and Development/ Career Development	95%
Selection and Promotion of Employees	81%
Grievance Machinery	57%
Personnel Rights and Representation	52%
Labor-Management Consultative Council	86%
Office Space and Equipment for Union (bulletin board, computer units, etc.)	43%
Union privileges (meetings, general assembly, labor education, etc.)	90%
Livelihood/Income Generating Project	24%
Employees' Family Day Celebration	19%

Family Planning	0%
Gender Development	5%
Printing of the Approved CNA/CBA shouldered by the company/agency	0.0%
No strikes, slowdown, or stoppage of work	0%
Table 4 continued...	
Common provisions	% of occurrence
Privatization	0%
Technological Changes	5%
Sports/Cultural Activities	90%
Saving/Separability Clause	48%
Duration of the Agreement	90%

Source: Comparative Analysis of CNAs

Table 5 summarizes the result of a comparative analysis of 28 CNAs of NGAs. It can be observed that the highest percentage of occurrence ranging from 70 to 81% is on the provisions concerning recognition and security of the union, employee rights and benefits, provision of office space, union privileges, and sports and cultural activities. The provisions with the least occurrences ranging from 7 to 11% are those concerning birthday bonus, anniversary bonus, family planning and privatization.

Table 5. List of Common Provisions (Percentage of Occurrences) among National Government Agencies (NGAs)

COMMON PROVISIONS	National Government Agencies (NGA)
Acknowledgement of EO 180	86%
Code of Conduct and Ethics	21%
Declaration of Principles	39%
Scope of Agreement	50%
Recognition and Security	79%
Management Prerogative and Shared Responsibility and Accountability	43%
Employees Rights and Benefits	75%
Overtime, Holiday, Rest, Nightshift, Hazard Pay	64%
Leave Benefits	68%
Monetization of Leave Benefits	11%
Anniversary Bonus	7%
Birthday Bonus	11%
Lesser Working load for pregnant women	36%
Wage/Salary Increase	0%
Rewards and Incentives	61%
CNA Incentive	48%
Housing Program/Benefits	21%
Rice Subsidy/Allowance	14%
Retirement, Resignation and Death Benefits/Privileges	50%
Safety, Health and Environment Conducive to Work	68%
Medical and Hospitalization	39%
Table 5 continued...	
Common provisions	% of occurrence
Professional Growth and Development/ Career Development	61%
Selection and Promotion of Employees	54%
Grievance Machinery	71%
Personnel Rights and Representation	39%
Labor-Management Consultative Council	64%
Office Space and Equipment for Union (bulletin board, computer units, etc.)	82%
Union privileges (meetings, general assembly, labor education, etc.)	75%
Livelihood/Income Generating Project	43%
Employees' Family Day Celebration	11%
Family Planning	7%
Gender Development	36%

Printing of the Approved CNA/CBA shouldered by the company/agency	11%
No strikes, slowdown, or stoppage of work	14%
Privatization	0
Technological Changes	11%
Sports/Cultural Activities	79%
Saving/Separability Clause	75%
Duration of the Agreement	89%

Source: Comparative Analysis of CNAs

Table 6. List of Common Provisions and Percentage of Occurrences in CBAs among Unions in the Private Sector
(Water Industry)

COMMON PROVISIONS	% of occurrences
Acknowledgement of EO 180	n/a
Code of Conduct and Ethics	0
Declaration of Principles	0
Scope of Agreement	75%
Recognition and Security	100%
Management Prerogative and Shared Responsibility and Accountability	100%
Employees Rights and Benefits	100%
Overtime, Holiday, Rest, Nightshift, Hazard Pay	100%
Leave Benefits	100%
Monetization of Leave Benefits	100%
Anniversary Bonus	0%
Birthday Bonus	0%
Lesser Working load for pregnant women	0%
Wage/Salary Increase	100%
Rewards and Incentives	100%
CBA Incentive	100%
Table 6 continued...	
Common Provisions	% of occurrence
Housing Program/Benefits	0
Rice Subsidy/Allowance	100%
Retirement, Resignation and Death Benefits/Privileges	100%
Safety, Health and Environment Conducive to Work	50%
Medical and Hospitalization	100%
Professional Growth and Development/ Career Development	25%
Selection and Promotion of Employees	75%
Grievance Machinery	100%
Personnel Rights and Representation	100%
Labor-Management Consultative Council	100%
Office Space and Equipment for Union (bulletin board, computer units, etc.)	100%
Union privileges (meetings, general assembly, labor education, etc.)	100%
Livelihood/Income Generating Project	50%
Employees' Family Day Celebration	100%
Family Planning	75%
Gender Development	0%

Printing of the Approved CBA shouldered by the company/agency	100%
No strikes, slowdown, or stoppage of work	100%
Privatization	100%
Technological Changes	100%
Sports/Cultural Activities	50%
Saving/Separability Clause	75%
Duration of the Agreement	100%

Source: Comparative Analysis of CBAs

The contents of table 6 was generated from an analysis of two CBAs. It has to be noted that, these two contracts used to be a government owned and controlled corporation that has transformed its form to that of a private enterprise caused by privatization program of the government. A major change that occurred is for the union to be able to bargain for wage increases and other provisions that are economic in nature.

Table 7. List of Common Provisions (Percentage of Occurrences) among Private Sector CBAs (Hospital Industry)

COMMON PROVISIONS	% of Occurrence
Acknowledgement of EO 180	n/a
Code of Conduct and Ethics	0
Declaration of Principles	0
Scope of Agreement	100%
Recognition and Security	100%
Management Prerogative and Shared Responsibility and Accountability	91%
Employees Rights and Benefits	91%
Overtime, Holiday, Rest, Nightshift, Hazard Pay	91%
Leave Benefits	100%
Monetization of Leave Benefits	100%
Anniversary Bonus	18%
Birthday Bonus	0
Lesser Working load for pregnant women	0
Wage/Salary Increase	100%
Rewards and Incentives	100%
CBA Incentive	82%
Housing Program/Benefits	0%

Rice Subsidy/Allowance	100%
Retirement, Resignation and Death Benefits/Privileges	100%
Safety, Health and Environment Conducive to Work	36%
Medical and Hospitalization	100%
Professional Growth and Development/ Career Development	36%
Selection and Promotion of Employees	36%
Grievance Machinery	100%
Personnel Rights and Representation	0%
Labor-Management Consultative Council	100%
Office Space and Equipment for Union (bulletin board, computer units, etc.)	27%
Union privileges (meetings, general assembly, labor education, etc.)	100%
Livelihood/Income Generating Project	0%
Employees' Family Day Celebration	0%
Family Planning	100%
Gender Development	0%
Printing of the Approved CNA/CBA shouldered by the company/agency	100%
No strikes, slowdown, or stoppage of work	100%
Privatization	75%
Technological Changes	36%
Sports/Cultural Activities	45%
Saving/Separability Clause	64%
Duration of the Agreement	100%

Source: Comparative analysis of CBAs

From the foregoing table 6, major difference that can ruled out is the life and duration of the labor contract which is pegged for 5 years, with renewal and review and amendment of the contract after three years of implementation. All provisions can be amended except for the union recognition clause. It is also observed that all provisions that were identified as excluded provisions (per EO 180) were all present in the CBAs of 13 private hospitals (e.g., wage increases, economic benefits and other provisions that has money value).

Some unique and special provisions were also observed in various CNAs despite the existence of EO 180 which sets the

exclusion and inclusion of benefits and provisions that must be contained in a CNA. The inclusion of special and unique provisions among CBAs in the private hospitals is expected to happen since there is no set limitation on the coverage of the labor contract. Any concern that will affect the workers' welfare, interest and protection can be covered in the contract.

Table 8. List of Unique/Special Provision present with other CNAs/CBAs (Government-Owned and Controlled Corporations)

Name of Union	Unique Provision
MCWD Employees Union (MEU) (2006)	transportation for nightshift employees, assistance to an employee who dies but not qualified for normal retirement (200% of monthly salary), utility allowance, medical insurance
Polomolok Water District Employees Association (POWDEA)	step increments, to update the deficiencies on GSIS premium remittances of employees, the agency shall initially pay the aforementioned under remittances and shall be amortized by the employees without interest for a period of 5 years and endeavor to assist the employees to settle the deficiencies
General Santos City Water District Employees Association (GSCWDEA)	recreation area and facilities, step increments
Cebu Port Authority Employees Union	provide library for employees on the 1st year of the agreement, day care center/room for nursing mothers, shuttle bus (not later than 2 years upon the approval of the agreement), recreational area, summer program for employees' dependents (summer job program, seminar on emergency preparedness, employees, excursion activity (employees and their

	immediate dependents (not to exceed 20,000 per excursion or not to exceed 80,000 per given year, spiritual enhancement, accident/hazard insurance, option of retirees to avail of annual health program
Name of Union	Description of provision
Association of Philrice Employees Incorporated	cost cutting measures, voluntary arbitration, as an alternative means of providing employment, the Corporation shall endeavor to assist the employees in establishing labor-oriented enterprises capable of generating job opportunities, special separation package equivalent to not less than one and one and half months salary for every year of service in NPC from Jan. 31, 2003. Such separation package shall be offered to encourage voluntary separation prior to any reorganization as maybe deemed necessary, diver's incentive, pay equalization allowance, employee stock option plan
Power generation Employees Association - National Power Corporation (PGEA-NPC)	cost cutting measures
PRA Employees Association	commuters' allowance, electricity allowance, step increment, cot cutting measures
Malaybalay City Water District Employees' Association	employees benefits on depreciated vehicles
Employees' Compensation Commission Employees Union (ECCEU)	additional compensation of acting designees
National Food Authority Employees Association	educational loan, shuttle bus (whenever available, at reasonable

	rates to employees), summer program (sports/cultural/educational workshop for NFA employees' dependents)
Consolidated Union of Employees	Magna Carta for Disabled Persons, day care centers, step increments, Magna Carta for Public Health Workers,
Bagong Kapisanan ng mga Manggagawa sa PNR-ITF	uniform allowance

Table 9. List of Unique/Special Provision present with other CNAs (Government-Funding Institutions)

Name of Union	Description of provision
Development Bank of the Philippines	shuttle services, day care services, no tardiness, no absence incentive, gym membership fee, parking space for the union national officers, personnel economic relief allowance (500), family allowance (400/month), uniform allowance, meal subsidy, children's allowance (100/month per minor)
Insurance Commission	reduction in workforce, clothing allowance, day care center

Table 10. List of Unique/Special Provision present with other CNAs (Local Government Units)

Name of Union	Description of provision
Bacolod City Government Employees Union (BCGEU)	day care for babies of working parents, 45% budget limitation, Magna Carta for public health workers,
Sagay City Government	spiritual enhancement and values

Employees Union (SCGEU)	formation, cost cutting measures, employees day
Sultan Kudarat Association of Provincial Employees (SKAPE)	strikes/pickets must be conducted/staged by peaceful means
Victoria Municipal Employees Association (VICMEA)	low interest motorcycle loan
Name of union	Description of provision
Cauayan Municipal Employees Association (CAMEA)	45% budget limitations, Magna Carta for public health workers
Palo Local Employees Association (PLEA)	step increment
Murcia Association of Government Employees (MAGE)	45% budget limitation
City of Talisay Employees' Union (CEBU) (CTEU(CEBU))	learning/training center, room/space for religious worship of Muslim employees
Panabo Municipal Government Employees Association (PMGEA)	motorcycle plan
Santiago City Government Employees Association (SACGEA)	45% budget limitation (the city shall comply with the hiring of minimal manpower to ease on City Budget)
Kidapawan City Government Employees	nursing room

Association (KCGEA)	
Name of union	Description of provision
General Santos City Government Employees Association (GSCGEA) (2005)	privilege of Muslim employees during Ramadan, scholarship for non-degree holder employees, payroll reduction for lot purchase, child minding center, shower room
Bislig City Employees Association (BisMEA)(2001)	summer youth program for dependents (7-15)
Bislig City Employees Association (BisCEA) (2005)	employees' shuttle bus, summer youth program, cost reduction and productivity improvement measures
Libona Municipal Rank and File Employees Association (LIMURFEA)	day care center, cost cutting measures

Table 11. List of Unique/Special Provision present with other CNAs (National Government Agencies)

Name of union	Description of provision
Dangerous Drugs Board Employees' Union (DDB-EU) (2000)	employees library, employees excursion, spiritual enhancement, day care center,
Ping-isang Tinig, isip at Gawa (PINTIG)	day care center
Name of union	Description of provision
Philippine Coconut Authority Employees	calamity aid

Association (PCAEA)	
Department of Tourism Employees Association (DOTEA)	shuttle service, multivitamins subsidy
Rank and File Employees association of the DPWH, Regional office No. 6	cost cutting measures
NAPOLCOM Employees Association	soft-piped music be installed in all NAPOLCOM work premises for conducive and pleasing working environment, 5,000 as a year-end benefit in the form of gift certificate, CNA incentive of 7,500 per quarter
East Avenue Medical Center Employees Association (EAMCEA)	day care center, 20 pesos per member to be collected as assistance for member/s who is a victim of calamity, implementation of Magna Carta of public health workers (2% increase for those employees who completed a masteral degree)
Dangerous Drugs Board Employees' Union (DDB-EU) (2004)	drug-free workplace, employees' library
Department of Agrarian Reform Employees Association (DAREA)	day care center, cost cutting, shuttle service
Name of union	Description of provision
Department of Agriculture, Regional	loyalty pay, shuttle service, day care center,

Field Unit VI Employees Union (DAEU)	grocery allowance
Department of Justice Employees Association (DOJEA)	day care center
Department of Labor and Employment Association for Reform and Efficiency-7 (DARE 7)	town fiesta of employee's hometown, nursery room, physical fitness time, family welfare program,
Samahan para sa Ikauunlad ng Kawani ng Agham at Teknolohiya (SIKAT)	productivity improvement program, cost cutting measures, promotion of peace and harmony
Philippine Medicare Employees Association (PMEA)	reduction in workforce, car plan, day care center,
TMC Employees Association - Alliance of Health Workers	health workers-management consultative council, non-payment of breakable items
Philippine Information Agency Employees Association	day care center, cost saving measures, 5S, Sports and Recreational Facilities, social development program
Samahan para sa Ikauunlad ng Kawani ng Agham at Teknolohiya (SIKAT) (1998)	multivitamins subsidy, laundry allowance

Table 12. List of Unique/Special Provision present with other CNAs (State Universities and Colleges)

Name of union	Description of provision
ALL-UP Academic Employees Union	world teachers' day celebration, socio-economic projects, international women's day, day care facilities, improvement of compensation
CFT Faculty and Employees Crusaders Union (FECU)	income generating program, faculty and employees education and research, evaluation
Samahan ng mga Aktibo at Responsableng Titser at Empleyado ng Alabel National High School (SMARTE-ANHS)	day care center
Manila Central University-Filemon D. Tanshoco Medical Foundation Employees Association (MCU-FDTMFEA)	educational benefit (50% discount on employee and % discount on children), free meals for night shift employees, subsidized immunization shots, solo parents' benefit, uniform allowance, allocation for medicine in the amount of P350/year, any excess to be turned over to the union to be part for the livelihood and welfare program
Faculty and Employees Association of Jalandoni Memorial High School (FEA-JMNHS)	clothing allowance

Table 13. List of Unique/Special Provision present with other CBAs (Private Sector- Bank and Water Industry)

Name of Union	Description of provision
Manila Water Employees Union (2006)	<p>livelihood program for the immediate dependents of the rank and file employees, reimbursable medical expenses, group insurance plan, dependent's insurance plan (1 legal dependent), industrial leave (additional 5 day-leave for those who will be hospitalized or forced to rest longer after all leave credits have been exhausted), free renewal of driver's license (for those employees whose function is driving the company service with the manila water logo), salary increase*, uniform allowance, immediate medical/dental care services</p> <p>*Article XXXIII – Compensation/Rate Adjustment Section 1. (a) Fourth Year – In lieu of an across the board increase for the fourth year of the CBA, the COMPANY shall grant a lump sum amount of Thirty Three Thousand Pesos (P 33,000.00) to each regular rank and file employee within the bargaining unit who are in the Company's payroll as of November 27, 2006. This amount is inclusive of the signing bonus/OTSA</p>
Manila Water Employees Union (2008)	<p>livelihood program for the immediate dependents of the rank and file employees, reimbursable medical expenses, group insurance plan,</p>

	<p>dependent's insurance plan (1 legal dependent), uniform allowance, capitalization grant for union cooperative (P 100,000.00)</p>
<p>Bank of Commerce Employees Union</p>	<p>group term insurance, salary increase*, relocation benefits, overtime meal allowance, uniform allowance</p> <p>*Article VII – Salary Section 1. Salary Increase – All regular employees of the BANK within the bargaining unit as of the effective dates cited below, shall be entitled to the following salary increases within the term of this agreement:</p> <ul style="list-style-type: none"> a.) Effective July 1 2005 – P 1,100.00 b.) Effective July 1, 2006 – P 700.00 c.) Effective July 1, 2007 – P 1,000.00
<p>Maynilad Water Supervisors' Association (MWSA)</p>	<p>optical and hearing aid subsidy, dependent's hospitalization subsidy (P 8,000.00), additional midyear financial assistance, meal allowance, uniform, donation of vacation leave credits, 14th month pay, salary increase*</p> <p>*Article XXII – Compensation Section 1. The Company shall grant the following increases of salaries and wages to all regular supervisory employees who are within the scope of this Agreement and who are in the Company's active payroll as of the</p>

	<p>effectivity of each salary increase:</p> <ul style="list-style-type: none"> a.) On 01 December 2006, and for the next twelve (12) months of this Agreement, Two Thousand Nine Hundred Fifty Pesos (P 2,950.00) increase in his/her monthly basic salary; b.) For the second twelve (12) months of this Agreement, a Two Thousand Nine Hundred Pesos (P 2,900.00) increase in his/her monthly basic salary; c.) For the third twelve (12) months of this Agreement, a Two Thousand Nine Hundred Pesos (P 2,900.00) increase in his/her monthly basic salary.
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Table 14. List of Unique/Special Provision present with other CBAs (Private Sector – Hospital Industry)

Name of union	Description of provision
Golden Gate General Hospital Employees Association (GGHEA)	<p>salary increase*, meal allowance (1,593.82)</p> <p>*Article VIII – Salary Increases and Allowances</p> <p>Section 1. Salary Adjustment. The Hospital agrees to grant salary increases to all employees covered by this Agreement as follows:</p> <ol style="list-style-type: none"> 1. 1st year – Effective October 1, 2010 = P 275.00 per month 2. 2nd year – Effective October 1, 2011

	<p>= P 250.00 per month</p> <p>3. 3rd year – Effective October 1, 2012</p> <p>= P 200.00 per month</p>
FEU - Dr. Nicanor Reyes Medical Foundation Employees Association	<p>salary increase*, meal allowance (P 1,000.00 per month), uniform allowance</p> <p>*Article XIII – Salary Increase and Allowances</p> <p>Section 1. In the interest of industrial peace and harmony, the parties hereby agreed to the following:</p> <p>1.1 Wage Increase</p> <p>4th year – (Effective 01 May 2009)</p> <p>Twelve percent (12%) increase with a minimum increase of P 1, 600.00 and a maximum of P 2,200.00. Wage increase is creditable to Wage Order No. 14.</p> <p>5th year – (Effective 01 May 2010)</p> <p>Twelve percent (12%) increase with a minimum of P 1,600.00, and no ceiling</p> <p>However, for those who will become regular employees on the 5th year, only a twelve percent (12%) increase will be implemented, which may be lower than P 1,600.00 per month. Wage increase is creditable to any future Wage Order.</p>
Name of Union	Description of provision
Hospital Management Services, Inc. - Medical Center Manila Employees Association- (HMSI-MCMEA)	<p>meal allowance (P 550.00), salary increase*, uniform allowance (1,500 per year),</p> <p>*Article VIII – Salary Increase</p> <p>Section 1. Salary Increase. The Hospital agrees to grant a P 300.00 increase in the monthly salary of all employees covered by this Agreement effective October 2009 subject to the provisions of the Memorandum of Agreement dated 15 October 2009 which</p>

	<p>is incorporated herein as Annex A. Annex A – Memorandum of Agreement Salary Increase. The following increases in the monthly salary shall be granted to covered employees.</p> <ul style="list-style-type: none"> - Ph P500.00 effective 1 May 2010 - Ph P500.00 effective 1 January 2011
<p>Capitol medical Center Employees Association (CMCEA)</p>	<p>meal subsidy, salary increase*, uniform allowance, solo parents' benefits</p> <p>*Article VIII – Salary Increase and Hazard/Special Pay Section 1. Salary Adjustment. For the term of this Agreement, the CENTER shall provide salary increase to covered employees, as follows: First year – P 400.00 per month Second year – P 350.00 per month Third year – P 350.00 per month</p>
<p>Makati Medical Center (Medical Doctors, Inc.) Employees Association (MAMECEA) (2007-2012)</p>	<p>salary increase*, uniform allowance, meal allowance (700.00 per month)</p> <p>*Article VII – Salaries and Wages Section 1. Salary Adjustments – Subject to Article XVIII of this Agreement, the parties have agreed on the following increases in compensation for the duration of this Agreement.</p> <ul style="list-style-type: none"> (i.) Effective March 1, 2007 – additional 8% to the basic salaries of employees who became regular on or before March 1, 2007. (ii.) Effective March 1, 2008 – additional 5% to the basic salaries of employees who shall

	<p>become regular on or before March 1, 2008.</p> <p>(iii.) Effective March 1 2009 – additional 6% to the basic salaries of employees who shall become regular on or before March 1, 2009.</p>
<p>St. Luke's Medical Center Employees Association (2011) (2008)</p>	<p>meal subsidy (P 1,000.00), educational loan (P 10,000.00), salary increase, productivity schemes*</p> <p>* Article IX – Salaries and Wages Section 1. Salary Adjustment. For the Term of this Agreement, the Hospital shall provide salary increases to regular employees, as follows: 01 August, 2008 – 9.0% of employees' latest monthly basic pay 01 August, 2009 – 8.5% of employees' latest monthly basic pay</p>
<p>Victor R. Potenciano Medical Center Employees Association</p>	<p>educational privilege, meal allowance, solo parents' benefit, salary increase</p>
<p>Saint Patrick's Hospital Medical Center Employees Association (SPHMCEA)</p>	<p>housing program, salary increase*</p> <p>*Article VII – General Salary Increase Section 1. The Hospital shall grant monthly salary increase to all covered employees as follows: Effective August 1, 2010, P 425.00 Effective August 1, 2011, P 450.00 Effective August 1, 2012, P 460.00</p>
<p>Manila Doctors Hospital Employees Association (MDHEA)</p>	<p>meal allowance (P 1, 050.00), salary increase*, uniform allowance, flu vaccination</p> <p>*Article IX – Salary Increases</p>

	<p>The Hospital agrees to grant salary increases on the monthly basic pay of each covered employee as follows:</p> <ol style="list-style-type: none"> 1. 4th year, effective January 01, 2010 = PhP 1, 200.00 2. 5th year, effective January 01, 2011 = Ph P 1, 100.00 						
<p>Makati Medical Center (Medical Doctors, Inc.) Employees Association (MAMECEA) (2010 – 2012)</p>	<p>meal allowance, salary increase*</p> <p>*Article VII – Salaries and Wages Section 1. Salary Adjustments – Subject to Article XVII of this Agreement, the parties have agreed the following increases in compensation for the duration of this Agreement.</p> <p>(i.) A tax-free Lump Sum amount in accordance with the following will be given to covered employees who became regular on or before 1 March 2010:</p> <table border="1" data-bbox="569 852 968 1063"> <thead> <tr> <th>TENURE (in years)</th> <th>AMOUNT</th> </tr> </thead> <tbody> <tr> <td>Below 10 years</td> <td>22, 500.00</td> </tr> <tr> <td>10 years and above</td> <td>32, 500.00</td> </tr> </tbody> </table> <p>(ii.) Effective 1 March 2011, all employees of the HOSPITAL as of 1 March 2011 and who are covered by the current CBA shall be granted an increase of 8% in basic pay plus a graduated performance-based bonus of 1% from the respective basic salaries of the covered employees within the bargaining unit, in accordance with the guidelines</p>	TENURE (in years)	AMOUNT	Below 10 years	22, 500.00	10 years and above	32, 500.00
TENURE (in years)	AMOUNT						
Below 10 years	22, 500.00						
10 years and above	32, 500.00						

	jointly approved by the herein parties.
Name of Union	Description of provision
San Juan de Dios Educational Foundation, Inc. Employees Union	<p>uniform allowance, salary increase*, promote responsible parenthood in accordance with the teachings of the Catholic Church, meal allowance (P 1, 750.00)</p> <p>*Article V – Salary Increases and Allowances</p> <p>Section 1. Salary Increase. The FOUNDATION (Hospital) agrees to grant the following increases in the prevailing monthly basic salary of all regular and permanent employees:</p> <p>Effective February 20, 2006 – P 1,500.00 per month</p> <p>Effective February 20, 2007 – P 1,500.00 per month</p> <p>Effective February 20, 2008 – P 1,800.00 per month</p>

CONCLUSION AND RECOMMENDATIONS

The study of 81 CNAs and 13 CBAs of the affiliate members of PSI in the Philippines and the feedback and observations gathered during the series of consultation with unions in five major areas of the country reveals the following observations:

- a. There are differences of mindsets and interpretations on the policies of the government facilitating agencies (DOLE, CSC, DBM and COA). This also resulted to the difficulties encountered by the public sector unions from registration, accreditation and approval of the contract. Some are just stocked up in the registration level only. Some find the process to be very complicated due to some barriers and requirements imposed by some government implementers.
- b. In reviewing the data and policies of the CSC, it was ascertained that there are three levels of processing, namely: registration of the union, accreditation of the bargaining agent, and registration of the CNA. The difference between registration and accreditation is not clear among the unions in the sector which resulted to some confusion. On the issue of registration of CNA, unions are made to assume that the role of the CSC is to register and not to disapprove any stipulations in the contract. This is also another issue that must be ruled out. In some instances, the implementation of the contract is delayed for lack of final resolution.
- c. Though the CSC have defined their specific functions and role as reflected in the CSC Primer on Public Sector Union Accreditation, still there are some gray areas that need to be clarified. It was observed during the series of consultation in four instances, that, there is lack of unified understanding of the primer and of the stipulations of EO 180. It was also expressed from the feedback of the unions that the officers of the facilitating agencies themselves do not have a common understanding of the policies. This issue also resulted to development of conflict and unsound relationship between the union and the government agencies.

- d. The study also showed the gap between the benefits awarded to the private sector in the public services and the that of the benefits granted to the public sector unions. It was ruled out in the study that the provisions on wage increase and other similar benefits in the private sector are much higher compared with the increases being given to the public sector workers through the Salary Standardization Law (SSL). The increases in the private sector are almost guaranteed every year depending on the bargaining power and affordability of the company while the increase in salary of the public sector workers would depend on the passage of laws amending the SSL. The amendment to SSL is heavily dependent on the programs and priorities of government authorities.
- e. With regards to employees other benefits and incentives, private sector unions can bargain without limitation while in the public sector, the area and coverage are only within the parameters set by EO 180. This situation puts the public sector workers discriminated because they are only given the right to negotiate for the “perks” (those that are not stipulated in the SSL). Under this condition, it was gathered from the feedback of government workers that the right to bargain in the public sector is not genuine but rather “just a joke”, caused by the limitation set by EO 180.
- f. The non-uniformity in the application of policies and rules resulted to the practice of discrimination among the public sector workers which contributed to the formation of a problematic and chaotic relationships between labor and management. This situation is contrary to the very mandate of the CSC which is ...” harnessing public sector unionism as the major thrusts... which can be attained by promoting responsive management and responsible public sector unions as the key to partners effective governance.”
- g. Finally, the restrictions set by EO 180 are not conducive to the attainment of the real essence of collective bargaining. It

must be recalled that unionism is almost equal to collective bargaining and that, it is aimed “to promote protect, and improve, through collective action, the social economic, and political interests of its members.” With EO 180, as the basis of all negotiations in the public sector, the very purpose by which the public sector union was organized is defeated.

Lastly, below are some recommendations to improve the conduct of collective bargaining in the public sector:

- a. There is need for a thorough review of the stipulations of EO 180. If the premise of the order is ...” to promote the free and responsible exercise of the right to organize by all employees in national government agencies and their regional offices, attached agencies and their regional offices, state universities and colleges, government-owned or controlled corporations with original charters, and local government units, through the establishment of a simplified mechanism for the speedy registration of employees’ organizations, determination of representation status, and resolutions of intra- and inter-employees’ organization disputes, “ then the order must be written in favor of the workers and that the preparation of the amendments must include the involvement and concurrence of the all the key players.
- b. There must be a common interpretation and implementation of the policies set by the government facilitating agencies. There is a need to set a common guideline to be followed from the national level down to the regional level of the government institutions concerned with the implementation of EO 180 and PSLMC. The need for awareness building and leveling of mindsets is also recommended to avoid abuse of authority or neglect of duties and accountabilities of concerned officers among the facilitating agencies. For after all, the officers and public sector employees must be treated equally and fairly.

- c. The CBAs in the private sectors affiliated with AFW showed some level of uniformity of provisions. Differences occur in the rate of wages increase and in other economic provisions. As far as non-economic provisions, very slight variances were observed. These data would prove that bargaining would largely influenced by the bargaining power, awareness and competency and goals and mindsets of the bargaining players. The higher is the level, the more comprehensive output is generated.

- d. There is a need to strengthen the ranks of the public sector workers and unions. Unions, federations and alliances must contain in their agenda the call for collective actions in enhancing awareness building, training and development to avoid discriminatory acts against the workers. It must be noted that the lack awareness and education on unionism leads the workers to exploitation. Though it has been ruled out that the Philippine labor relations system is very divisive and adversarial, the initiative of the Trade Union Rights Project in the Philippines has proven to be a very useful move to unite the unions in the public services on a case-to case basis where the leaders were able to set aside differences in ideology and political beliefs. The need for a united stand on public sector unionism awareness was the key purpose for which the project was launched and had succeeded.

References

Añonuevo, C-A (2005), Collective Bargaining in the Philippine Republic Sector: Joint Regulation or Reinforced Unilateralism? Friedrich-Ebert-Stiftung (FES), Manila

Collective bargaining and beyond:

<http://www.fareastjournals.com/files/PaperNo5PakistanTariq.pdf>/retrieved: 10/10/2011

Collective bargaining and workplace performance

<http://www.bis.gov.uk/files/file11610.pdf>http: retrieved: 10/10/2011

ILO Standards

www.ilo.org/wcmsp5/groups/public/@ed_norm/@normes/documents/publication/wcms_087931.pdf/retrieved: 10/10/2011

ILO Principles <http://library.fes.de/pdf-files/gurn/00351.pdf> / retrieved: 10/10/2011

Labor Code Amendments/

<http://www.chanrobles.com/BATAS%20PAMBANSA%20BLG.%20130.pdf> /retrieved: 10/10/2011

Macaraya, Collective Bargaining in the Philippines, ILO

<http://www.ilo.org/public/english/dialogue/ifpdial/downloads/wpnr/philippines.pdf>/Retrieved 30 August 2011/retrieved:> 10/10/2011

Theory of collective bargaining:<http://mises.org/books/bargaining.pdf>/retrieved: 10/10/2011

Edralin: 10/10/2011 Labor relations and tripartism

<http://www.mngt.waikato.ac.nz/departments/Strategy%20and%20Human%20Resource%20Management/Airaanz/old/conferce/pdf/hince.pdf> /retrieved 10/10/2011

Recent trends:/

<http://digitalcommons.ilr.cornell.edu/cgi/viewcontent./>/retrieved 10/10/2011

ANNEXES

ANNEXES

A. List of CNAs/CBAs covered in the study

Table 15. List of Government-Owned and Controlled Corporations covered in the study

Name of Union	Federation /Alliance	Name of Company/ Agency	Nature of Service	Date of Effectivity
MCWD Employees Union (MEU)	Independent	Metropolitan Cebu Water District (MCWD)	Water	Jan. 1, 2009
MCWD Employees Union (MEU)	Independent	Metropolitan Cebu Water District (MCWD)	Water	Jan. 1, 2006
Polomolok Water District Employees Association (POWDEA)	Independent	Polomolok Water District	Water	Jan. 30, 2008
General Santos City Water District Employees Association (GSCWDEA)	Independent	General Santos City Water District	Water	May 20, 2008
Cebu Port Authority Employees Union	Independent	Cebu Port Authority	Port	Mar. 8, 2000
Mactan-Cebu International Airport Authority Employees Mutual Association (MEMA)	Confederation for Unity, Recognition and of Advancement of Government Employees (COURAGE)	Mactan-Cebu International Airport Authority (MCIAA)	Air	Mar. 30, 2001
Association of Philrice Employees Incorporated	Confederation for Unity, Recognition and of Advancement of Government Employees (COURAGE)	Philippine Rice Research Institute (PhilRice)	Transportation	Sept. 16, 2010
Power generation Employees Association - National Power Corporation (PGEA-NPC)	Independent	National Power Corporation (NPC)	Research	Oct. 5, 2006
PRA Employees	Independent	Philippine	Electric	Apr. 2, 2008

Association		Retirement Authority	Power	
Morong Water District Employees Association	Independent	Morong Water District	Retirement Institution	Jun. 26, 2007
Mindanao Transco Employees Association	Independent	The National Transmission Corporation	Water	Jul. 1, 2011
Malaybalay City Water District Employees' Association	Independent	Malaybalay City Water District	Power	Mar. 14, 1996
Metro Kalibo Water District Employees Association, Inc. (MKWDEAI)	Independent	The Metro Kalibo Water District (MKWD)	Water	Apr. 3, 1998
Employees' Compensation Commission Employees Union (ECCEU)	Independent	Employees' Compensation Commission	Water	Jun. 19, 1998
National Food Authority Employees Association	Confederation for Unity, Recognition and of Advancement of Government Employees (COURAGE)	National Food Authority	Employee Compensation	1993
Consolidated Union of Employees	Confederation for Unity, Recognition and of Advancement of Government Employees (COURAGE)	National Housing Authority	Food Authority	Jul. 10, 1996
Bagong Kapisanan ng mga Manggagawa sa PNR-ITF	Independent	Philippine National Railways	Housing	
Alert and Concerned Employees for Better SSS (ACCESS)	Independent	Social Security Commission for the Social Security System	Transportation	
LWUA Employees' Association for Progress	Alliance of Government Workers in the Water Sector (AGWWAS)	Local Water Utilities Administration	Security commission	2007

**Table 16. List of Government-Funded Institutions (GFIs)
covered in the study**

Name of Union	Federation /Alliance	Name of Company/ Agency	Nature of Service	Date of Effectivity
Development Bank of the Philippines Employees Union	Independent	Development Bank of the Philippines	Financial Institution	Feb. 4, 2004
Insurance Commission Employees Welfare Association (ICEWA)	Independent	Insurance Commission	Financial Institution	Dec. 27, 1995

Table 17. List of Local Government Units (LGUs) covered in the study

Name of Union	Federation /Alliance	Name of Company/ Agency	Nature of Service	Date of Effectivity
Government Association of Tacloban Employees (GATE)	Confederation of Independent Unions in the Public Sector (CIU), Local Government Unions of the Philippines (LGUP)	City Government of Tacloban	Local Government	Jan. 18, 2002
Local Government of Quezon Employees Association (LGQEA)	Confederation of Independent Unions in the Public Sector (CIU)	The Local Government of Quezon, Isabela	Local Government	Dec. 1, 2000
Bacolod City Government Employees Union (BCGEU)	Confederation of Independent Unions in the Public Sector (CIU)	City Government of Bacolod	Local Government	Jun. 11, 2006
Sagay City Government Employees Union (SCGEU)	Confederation of Independent Unions in the Public Sector (CIU)	City Government of Sagay	Local Government	Mar. 10, 2004
Sultan Kudarat Association of Provincial Employees (SKAPE)	Confederation of Independent Unions in the Public Sector (CIU)	Provincial Government of sultan Kudarat	Local Government	Aug. 23, 2005
Victoria Municipal Employees Association (VICMEA)	Confederation of Independent Unions in the Public Sector (CIU)	Victoria Municipal Government	Local Government	Mar. 31, 2002

Cauayan Municipal Employees Association (CAMEA)	Confederation of Independent Unions in the Public Sector (CIU)	Municipality of Cauyan	Local Government	Aug. 29, 2000
Palo Local Employees Association (PLEA)	Independent	Palo Municipal Government	Local Government	Mar. 1, 2001
Murcia Association of Government Employees (MAGE)	Confederation of Independent Unions in the Public Sector (CIU)	Municipality of Murcia	Local Government	Jul. 4, 2003
City of Talisay Employees' Union (CEBU) (CTEU)(CEBU)	Confederation of Independent Unions in the Public Sector (CIU)	City Government of Talisay, Cebu	Local Government	Mar. 1, 1996
The General Santos City Government Employees Association (GSCGEA)	Independent	The City Government of General Santos	Local Government	Nov. 22, 2005
Provincial Association of Government Employees (PAGE)	Confederation of Independent Unions in the Public Sector (CIU)	Provincial Government of Leyte	Local Government	Sept. 26, 2005
Panabo Municipal Government Employees Association (PMGEA)	Confederation of Independent Unions in the Public Sector (CIU)	Municipality of Panabo	Local Government	Oct. 16, 2000
Table 16 Continue...				
Santiago City Government Employees Association (SACGEA)	Confederation of Independent Unions in the Public Sector (CIU)	Municipality of Santiago	Local Government	Jun. 4, 2001
Kidapawan City Government Employees Association (KCGEA)	Confederation of Independent Unions in the Public Sector (CIU)	City Government of Kidapawan	Local Government	Feb. 18, 2008
General Santos City Government Employees Association (GSCGEA)	Independent	General Santos City Government	Local Government	
Davao City Hall Employees' Association (DACHEA)	Independent	City Government of Davao	Local Government	
Bislig City Employees Association	Independent	City Government of Bislig	Local Government	
Siaton Municipal	Independent	Municipal	Local	

Employees' Association (SMEA)		Government of Siaton	Government	
Libona Municipal Rank and File Employees Association	Independent	Municipal Government of Libona	Local Government	

Table 18. List of National Government Agencies (NGAs) covered in the study

Name of Union	Affiliation	Agency	Nature of Service	Date of Effectivity
Organization of NAMRIA Employees	Independent	National Mapping and Resource Information Authority (NAMRIA)	Government Agency	2001
Union of Statistics Employees	Confederation of Independent Unions in the Philippine Sector	National Statistics Office, Census Provident Fund, Inc., Census Credit Cooperative	Government Agency	Mar. 1, 2002
Dangerous Drugs Board Employees' Union (DDB-EU)	Confederation of Independent Unions in the Philippine Sector	Dangerous Drugs Board	Government Agency	Jan. 31, 2001
National Council for the welfare of Disabled Persons Employees Association (NCWDPEA)	Confederation of Independent Unions in the Philippine Sector	National Council for the Welfare of Disabled Persons (NCWDP)	Government Agency	Nov. 23, 2003
Ping-isang Tinig, isip at Gawa (PINTIG)	Confederation of Independent Unions in the Philippine Sector	Civil Service Commission	Government Agency	Oct. 29, 2002
Philippine Coconut Authority Employees Association (PCAEA)	Confederation of Independent Unions in the Philippine Sector	Philippine Coconut Authority (PCA)	Government Agency	Oct. 3, 2008
Department of Tourism Employees Association (DOTEA)	Independent	Department of Tourism	Government Agency	Sept. 8, 2010

Rank and File Employees Association of the DPWH, Regional office No. 6	Confederation of Independent Unions in the Philippine Sector	Department of Public Works and Highways	Government Agency	Sept. 13, 2004
Association of Dedicated Employees of the Philippine Tourism (ADEPT)	Confederation of Independent Unions in the Philippine Sector	Philippine Tourism Authority	Government Agency	Jan. 27, 2010
NAPOLCOM Employees Association	Independent	National Police Commission	Government Agency	May 25, 2009
East Avenue Medical Center Employees Association (EAMCEA)	Independent	East Avenue Medical Center	Government Agency	Oct,13, 2010
Dangerous Drugs Board Employees' Union (DDB-EU)	Confederation of Independent Unions in the Philippine Sector	Dangerous Drugs Board	Government Agency	2002
National Commission On Indigenous Peoples Employees Association	Independent	National Commission on Indigenous Peoples	Government Agency	Mar, 7, 2009
Presidential Commission on Good Government Employees Association (PCGGEA)	Independent	Presidential Commission on Good Government (PCGG)	Government Agency	Nov. 2005
Department of Agrarian Reform Employees Association (DAREA)	Independent	The Department of Agrarian Reform (DAR)	Government Agency	Dec. 1, 1997
Department of Agriculture, Regional	Independent	Department of Agriculture	Government Agency	Jan. 12, 1998
Field Unit VI Employees Union (DAEU)	Independent	Department of Justice	Government Agency	Oct. 16, 1997
Department of Justice Employees Association (DOJEA)	Independent	The National Maritime Polytechnic	Government Agency	Jul. 25, 1994
National Maritime Polytechnic Services Association (NMPSA)	Public Services Independent Confederation (PSLINK)	Department of Labor and Employment Regional Office No. 7	Government Agency	Oct. 4, 1994

Department of Labor and Employment Association for Reform and Efficiency-7 (DARE 7)	Independent	Department of Science and Technology	Government Agency	Oct. 28, 1993
Samahan para sa Ikauunlad ng Kawani ng Agham at Teknolohiya (SIKAT)	Independent	National Water Resources Board	Government Agency	Oct. 19, 2010
National Water Resources Board Employees Association (NWRBEA)	Independent	Philippine Medical Care Commission	Government Agency	Mar. 17, 2010
Philippine Medicare Employees Association (PMEA)	Independent	Telecommunications Office (TELOF)	Government Agency	2008
National Telecommunications Employees Union (NTEU)	Independent	Tondo Medical Center	Government Agency	
TMC Employees Association - Alliance of Health Workers	Independent	Philippine Information Agency	Government Agency	
Philippine Information Agency Employees Association	Independent	Department of Science and Technology	Government Agency	
Samahan para sa Ikauunlad ng Kawani ng Agham at Teknolohiya (SIKAT)	Independent	Department of Environment and Natural Resources	Government Agency	
DENR Employees Union (DENREU)	Independent		Government Agency	

Table 19. List of State Universities and Colleges and other schools covered in the study

Name of Union	Federation /Alliance	Name of Company/ Agency	Nature of Service	Date of Effectivity
Calinan National High School Teachers and Employees Association (CAHISTEA)	Confederation of Independent Unions in the Philippine Sector	Calinan National High School	High school	
ALL-UP Academic Employees Union	Independent	University of the Philippines	University	Dec. 12, 2008
CFT Faculty and Employees Crusaders Union (FECU)	Independent	Cebu State College of Science and Technology- College of Fisheries	State College	Jan. 10, 2001
Samahan ng mga Aktibo at Responsableng Titser at Empleyado ng Alabel National High School (SMARTE-ANHS)	Independent	Alabel National High School	High school	Nov. 7, 2002
Manila Central University- Filemon D. Tanshoco Medical Foundation Employees Association (MCU-FDTMFEA)	Alliance of Filipino Workers (AFW)	Manila Central University – Filemon D. Tanchoco Medical Foundation (MCU-FDTMF)	University	Mar. 15, 2009
Faculty and Employees Association of Jalandoni Memorial High School (FEA-JMNHS)	Independent	Jalandoni Memorial National High School (JMNHS)	High school	Jan. 15, 1999
Organization of Non-Academic Personnel of the University of the Philippines (ONAPUP)	Independent	University of the Philippines	University	Dec. 20, 1995

**Table 20. List of Private Organizations covered in the study
(Water Industry)**

Name of Union	Federation /Alliance	Name of Company/ Agency	Nature of Service	Date of Effectivity
Maynilad Water Supervisors Association	Independent	Maynilad Water Services, Inc.	Water utility	Dec. 1, 2006
Manila Water Employees Union	Independent	Manila Water Company, Inc.	Water utility	Aug. 1, 2008

Table 21. List of Hospitals in the Private Sector covered in the study (Hospitals)

Name of Union	Federation /Alliance	Name of Company/ Agency	Nature of Service	Date of Effectivity
Golden Gate General Hospital Employees Association (GGHEA)	Alliance of Filipino Workers (AFW)	The Golden Gate General Hospital	Hospital	Oct. 1, 2010
FEU - Dr. Nicanor Reyes Medical Foundation Employees Association	Alliance of Filipino Workers (AFW)	FEU - Dr. Nicanor Reyes Medical Foundation	Hospital	May 1, 2009
Hospital Management Services, Inc. - Medical Center Manila Employees Association-(HMSI-MCMEA)	Alliance of Filipino Workers (AFW)	Hospital Management Services, Inc. - Medical Center, Manila	Hospital	Jan. 1, 2007
Capitol Medical Center Employees Association (CMCEA)	Alliance of Filipino Workers (AFW)	Capitol medical Center, Inc.	Hospital	June 20, 2006
Makati Medical Center (Medical Doctors, Inc.) Employees Association (MAMECEA)	Alliance of Filipino Workers (AFW)	Medical Doctors, Inc. (Makati Medical Center)	Hospital	Mar. 1, 2010
St. Luke's Medical Center Employees Association	Alliance of Filipino Workers (AFW)	St. Luke's Medical Center	Hospital	Aug. 1, 2010

Victor R. Potenciano Medical Center Employees Association	Alliance of Filipino Workers (AFW)	Dr. Victor R. Potenciano Medical Center	Hospital	Jul. 1, 2009
Saint Patrick's Hospital Medical Center Employees Association (SPHMCEA)	Alliance of Filipino Workers (AFW)	Saint Patrick's Hospital, Incorporated	Hospital	Aug. 1, 2010
Manila Doctors hospital Employees Association (MDHEA)	Alliance of Filipino Workers (AFW)	Manila Medical Services, Inc. (Manila Doctors Hospital)	Hospital	Jan. 1, 2010
Makati Medical Center (Medical Doctors, Inc.) Employees Association (MAMECEA)	Alliance of Filipino Workers (AFW)	Medical Doctors, Inc. (Makati Medical Center)	Hospital	Mar. 1, 2007
San Juan de Dios Educational Foundation, Inc. Employees Union	Alliance of Filipino Workers (AFW)	San Juan de Dios Educational Foundation, Inc. (Hospital)	Hospital	Feb. 20, 2006

Annex B. Implementing Rules and Regulations of EO 180

Annex C. Implementing Rules and Regulations of EO 366

PSI-Trade Union Rights Philippines TUR PROJECT STEERING COMMITTEE



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NORMAN GRECIA
Psi- Southeast Asia
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CARMEN SANTOS
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