

Primer on

Public Sector Union REGISTRATION



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Registration of PSU

“**Registration of Employees’ Organization**” is a process for an employees’ organization to acquire legal personality for it to enjoy the rights and privileges under E.O. 180. It comes after complying with the requirements and after the Department of Labor and Employment (DOLE) and Civil Service Commission (CSC) issue the certificate of registration.



WHY IS THERE A NEED TO REGISTER AN EMPLOYEES’ ORGANIZATION?

A Certificate of Registration legitimizes a union/ organization so it can now avail the rights, privileges and protection granted by law. Its legal personality can only be questioned by an independent petition for cancellation of its registration. (*Section 6, Rule V, IRR of EO 180*)

The registration of an employees’ organization is the first step towards its accreditation by the CSC as the sole and exclusive negotiating representative of the agency’s rank-and-file employees.



WHERE SHALL THE APPLICATION FOR REGISTRATION BE FILED?

Applications for registration of an employees’ organization shall be filed with the DOLE - Bureau of Labor Relations (DOLE-BLR) or with the DOLE Regional Office.

If filed with the DOLE Regional Office, it shall transmit the application for registration, together with its attachments within twenty-four (24) hours after receiving the same, to the DOLE-BLR for processing. (*Section 2, Rule V, IRR of EO 180*)

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REQUIREMENTS:

The members of the employees’ organization comprising at least thirty (30%) percent of the rank-and-file employees in the organizational unit sign the application for registration. The application shall be accompanied by:

1. the original copy and three (3) duplicate original copies of the following documents:
 - a **statement** indicating the name of the applicant employees’ organization and its principal address, the names of its officers and their respective addresses, and the total number of employees in the organizational unit where the applicant seeks to operate;
 - the **minutes of the organizational** meeting and the names and signatures of the members who participated therein;
 - the **names of the members** comprising at least thirty (30%) percent of the rank-and-file employees in the organizational unit where the applicant employees’ organization seeks to operate;
 - **financial report**, if the applicant employees’ organization has been in existence for at least one (1) year;
 - the applicant’s **constitution and by-laws**, minutes of its adoption or ratification and the list of employees who participated therein, unless the constitution and by-laws was ratified in the same organizational meeting, in which case, a statement of such fact shall be reflected in the minutes of the organizational meeting/s; and
 - a **certification** from the Personnel/Administrative Officer as to the total number of rank-and-file employees in the organizational unit (This will help determine compliance with the 30% membership requirement).

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REQUIREMENTS:

2. **registration fee** of ONE HUNDRED FORTY PESOS (P140.00) or such amount as may be determined by the Council (if payment is through check or postal money order, the same shall be in the name of the Bureau of Labor Relations)

NOTE:

The application for registration of any employees' organization, including all its accompanying documents, shall be verified under oath by its secretary or treasurer and attested to by its president.

Organizational Unit

For purposes of Registration, "**Organizational Unit**" refers to an identifiable government unit, such as the following:

1. constitutional bodies and their regional offices;
2. the executive department including services and staff bureaus;
3. line bureaus;
4. attached agencies;
5. the legislature;
6. the judiciary;
7. state universities and colleges;
8. government-owned or controlled corporations with original charters;
9. provinces, cities and municipalities;
10. regional offices (composed of provincial, district, local offices) of a department/agency, office, or government-owned or controlled corporations; and
11. such other identifiable government units as may be considered by the Public Sector Labor-Management Council. (*Section 1, Rule I (hh), IRR of EO 180*)

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FILING OF APPLICATION:



WHAT ACTIONS WILL BE TAKEN BY THE DOLE-BLR ON THE APPLICATION FOR REGISTRATION?

For application with **COMPLETE** supporting documents: 1) within seven (7) calendar days approve the application; and 2) prepare the certificate of registration for the signature of the DOLE Secretary and the CSC Chair.

For application with **INCOMPLETE** supporting documents or **WITHOUT** the prescribed attestation requirements, the DOLE-BLR shall send written notice to the applicant requiring it to submit the lacking requirement/s within thirty (30) calendar days after receiving the notice. Failure of the applicant to do so shall cause the denial of the application without prejudice to refiling.

Upon submission of the specified lacking documents, the DOLE-BLR shall prepare the certificate of registration for signature of the DOLE Secretary and the CSC Chair. (*Section 4, Rule V, IRR of EO 180*)



WHAT ARE THE RESPONSIBILITIES OF A REGISTERED EMPLOYEES' ORGANIZATION?

A registered employees' organization shall submit to the DOLE-BLR two (2) original copies of the following documents:

- any **amendment to its constitution and by-laws** and the minutes of adoption or ratification of such amendments, together with the signatures of members who ratified the same, within thirty (30) calendar days from its adoption or ratification;
- **annual audited financial reports** within thirty (30) calendar days after the close of each calendar year;

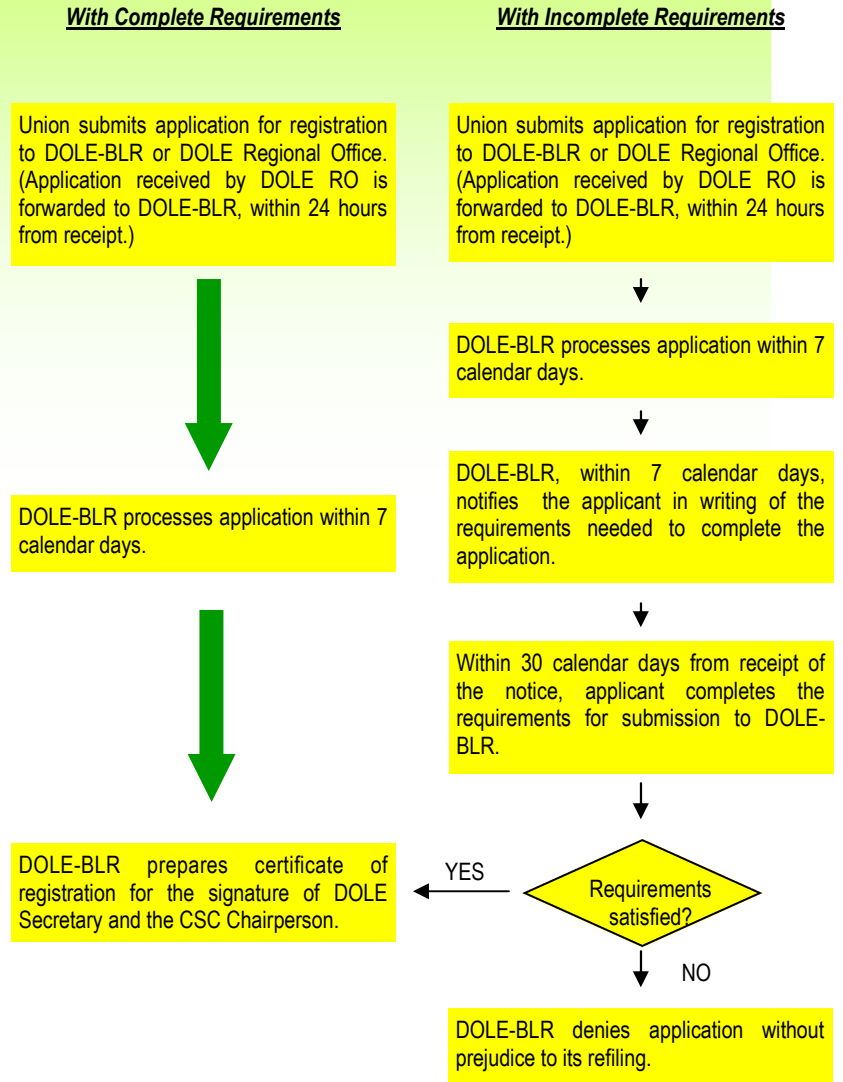
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FILING OF APPLICATION:

- **updated list of newly-elected and appointive officers** or agents, within thirty (30) calendar days after each regular or special election of officers, or from the occurrence of any change in the officers or agents of the employees' organization; and
- **list of names of members**, within thirty (30) calendar days after the close of each calendar year. (*Section 1, Ruler VI, IRR of EO 180*)

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The PROCESS FLOW:



Constitution and By-Laws

CONTENTS

? WHAT MUST THE CONSTITUTION AND BY-LAWS OF AN EMPLOYEES' ORGANIZATION CONTAIN?

The constitution and by-laws of an employees' organization must contain the following provisions/items:

- Preamble;
- Name and Domicile;
- Declaration of Objectives;
- Name of Employer and Place of Operation;
- Membership;
- Principal Officers;
- Duties and Powers;
- Standing Committees;
- Meetings of the Union;
- Union Election;
- Fees, Dues, Special Assessments, Fines and other Payments;
- Disposition of Union Funds;
- Quorum and Rules of Order;
- Collective Negotiation;
- Settlement of Internal Dispute;
- Impeachment and Recall;
- Fiscal Year;
- Amendments; and
- Effectivity

Certificate of Registration

CANCELLATION

? WHAT ARE THE GROUNDS FOR THE CANCELLATION OR REVOCATION OF THE CERTIFICATE OF REGISTRATION?

The following are the grounds for cancellation or revocation of the Certificate of Registration:

1. Failure to submit reportorial requirements; and,
2. Misrepresentation, false statement or fraud in connection with the following:
 - conduct of organizational meeting;
 - adoption or ratification of the constitution and by-laws;
 - election of officers;
 - minutes of the election of officers;
 - list of voters/members;
 - any of the other documents submitted for registration which may have misled the DOLE-BLR into granting the application for registration. (*Rule VII , IRR of EO 180*)

? WHAT DOES THE DOLE-BLR DO FOR EACH GROUND TO CANCEL/REVOKE THE CERTIFICATE OF REGISTRATION?

○ Failure to submit reportorial requirements:

1. The DOLE-BLR notifies the concerned employees' organization in case it fails to submit reportorial requirements or when the report submitted is not complete.
2. If after due notice the employees' organization fails again to submit the report or specified deficiency, the DOLE-BLR shall submit a report of non-compliance with the DOLE Secretary and the CSC Chair for approval to start the administrative cancellation

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CANCELLATION

proceedings. Upon approval, the DOLE-BLR shall send to the employees' organization a Notice of Compliance (via registered mail) to submit the specified documents within 15 calendar days from receipt of the notice.

3. The DOLE-BLR shall issue a Second Notice of Compliance if the employees' organization fails to submit the required documents within the prescribed period or the submitted documents are found to be deficient. Said notice shall contain a warning that failure to comply with the reportorial requirements within 15 calendar days from receipt of the Second Notice shall cause the continuation of the proceedings for cancellation of its registration.
4. In case there is no response from the employees' organization within 15 calendar days from receipt of the Second Notice or where the response submitted is still found to be deficient, the DOLE-BLR shall publish the Notice of Cancellation of Registration of the employees' organization in two (2) newspapers of general circulation.
5. The DOLE-BLR shall recommend to the DOLE Secretary and the CSC Chair the cancellation of the registration of the employees' organization where: 1) the DOLE-BLR receives no response from the employees' organization within ten (10) calendar days from date of publication; or 2) it has been verified that the employees' organization has already been dissolved. Upon approval, the DOLE-BLR shall cancel the registration of an employees' organization and delete its name from the roster of registered employees' organization. *[Rule VII, (A), IRR of EO 180]*

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○ Misrepresentation, Fraud or False statement

Based on verified petition from any real party in interest, and a hearing is found to be necessary, the DOLE-BLR shall designate a Hearing Officer who shall call upon the parties and their witnesses and resolve the issue involved in the case. The hearing shall be terminated and the case shall be deemed submitted for resolution not later than 90 calendar days from the date of the first hearing.

The DOLE-BLR shall decide the petition within 30 calendar days from submission of the case for resolution. (Rule VII (B), IRR of EO 180)



IS THE DECISION OF THE DOLE-BLR FINAL?

No. The aggrieved party may appeal the decision of the DOLE-BLR to the Public Sector Labor-Management Council (PSLMC) within ten (10) calendar days after receiving the decision. This is on the ground of grave abuse of discretion or violation of the rules.

When no appeal is filed within the ten (10)-day period, the decision shall become final and executory. [Section 7, Rule VII (B), IRR of EO 180]



WHAT SHOULD BE SUBMITTED TO THE DOLE-BLR WHEN MAKING THE APPEAL?

The memorandum of appeal is submitted under oath stating the grounds for the appeal with supporting arguments and evidence. It shall be accompanied by proof of service of a copy thereof to the appellee, otherwise it shall be deemed not filed. (Section 7, Rule VII (B), IRR of EO 180)

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WHAT IS THE REMEDY OF THE EMPLOYEES' ORGANIZATION WHOSE APPEAL HAS BEEN DENIED BY THE COUNCIL?

It may file a motion for reconsideration from the decision of the Council within ten (10) calendar days after receiving the decision of the Council. Otherwise, the decision shall be final and executory. (Section 9, Rule VII (B), IRR of EO 180)



HOW MANY MOTION FOR RECONSIDERATION MAY BE FILED WITH THE COUNCIL?

The Council shall entertain only one (1) motion for reconsideration.