



Republic of the Philippines
Department of Health
OFFICE OF THE SECRETARY

June 6, 1989

ADMINISTRATIVE ORDER
No. 72 s. 1989

SUBJECT : Adjustment of Complaints and Grievances in' the hospital setting.

1. ADJUSTMENT OF COMPLAINTS AND GRIEVANCES

in the, hospital setting, the adjustment of complaints and 'grievances between and among employees or between employee and supervisor should be settled as much as possible within the; organizational unit (Section/Department/Division) which is the focus of such complaints and/or grievances. '

Pursuant to the provisions of Section 35 of Presidential Decree No. 807 and Rule XIII of the Revised Civil Service Law Rules, the following regulations are hereby promulgated and established to govern the adjustment of complaints and grievances of officers and employees in the medical centers/special/specialty hospitals.

A. PURPOSE • The grievance procedure is intended to help promote some and desirable-employee relations in' the dissatisfaction.

B .DEFINITION OF TERMS For purposes of' these regulations, the following are the concepts adopted and used:

1. A COMPLAINT means an employee's expressed feelings of dissatisfaction with some aspects of his working conditions, relationships or status which are outside of his control.
- 2.A GRIEVANCE is a complaint which has. in the first instance and in the employee's opinion, been ignored, overridden. or dropped without due consideration.
3. The- GRIEVANCE PROCEDURE refers to the method of determining and finding the best way to remedy the specific cause of the complaint or grievance.

C. SCOPE • The grievance procedure shall be applied when the dissatisfaction arises, in the day-to-day working relationships between employees or between employee and supervisor. . It shall not apply to cases of dissatisfaction with official actions finally taken by the Office, nor in disciplinary cases. -

Complaints and/or grievances may refer to any of the following:

- 1.Unsatisfactory working conditions; l
- 2.Improper, tedious or laborious work 'assignments;
- 3.Faulty tools or equipment; • •1
- 4.Unsatisfactory personnel and/or work process;
- 5.ImprOper placements;
- 6.ImprOper appreciation of the factors relative to lay-off, promotions, salary increase and transfer;
- 7.Arbitrary exercise of discretion;

8. Inter-personnel relations;
9. Policies, practices, and procedures of particular Units, Divisions or Offices within this scope; and
10. All other complaints and grievances embraced within this scope.

D. 'GUIDING PRINCIPLES • Any officer or employee of the medical centers⁷special⁷specialty hospitals under the Department of Health shall have the right to present his complaints and/or grievances to the Management and to have his complaints and/or grievances adjusted in accordance with these regulations:

1. An employee shall first discuss his problem informally with his immediate supervisor before considering the filing of a formal written complaint;
2. An employee presenting a complaint or grievance 'shall be assured freedom from coercion, discrimination or reprisal and of a speedy and impartial adjustment of such complaint or grievance;
3. Complaints and/or grievances shall be settled at the lowest possible level;
4. The grievance proceedings shall be as simple as possible 'and shall not be bound by legal rules or technicalities. Employing the services of a counsel is not necessary;
5. The grievance procedure shall be aimed at determining what is right, not, what is wrong;
6. A complaint or grievance shall be considered not only in relation to its alleged object, but also in relation to the personal situation of the complement;
7. The right of employees to appeal decisions on grievances, in accordance with the provisions of these regulations, shall not be curtailed.

E• PROCEDURE •• The procedure for seeking redress of complaints and grievances shall be as follows:

1. Oral discussions - A complaint shall be presented orally in the first instance to the employee's. Immediate supervisor who shall, within three (3) days from date of presentation, inform the employee orally of his decision. In the oral discussion, the following shall be observed:
 - a. The employee shall be at ease Every effort shall be exerted to make the employee who has complaint feel at ease during the oral discussion
 - b. The employee shall be encouraged to talk • The employee shall be allowed to tell or explain his side during the oral discussion.
 - c. Privacy in discussion. An oral discussion shall be held in a quiet and private place where the conversation cannot be interrupted or overheard •.
 - d. The case shall be heard fully. The supervisor shall seek to keep his views and opinions entirely to himself until after the employee has explained his side.
 - e. A definite closure shall be reached • At the end of the discussion, the supervisor must be prepared to state his position clearly, accurately, and without any attitude of ill feeling towards the employee. He need not immediately give a definite decision, but it shall be given within three (3) days from the presentation of the complaint.
2. Grievance in writing . If the employee is not satisfied with the oral decision, he may submit his grievance in writing through his immediate supervisor, who shall forward the grievance with his comments, within twenty-four (24) hours, to the Chief of the primary unit or to the next higher supervisor as the case may be, who shall within five (5) days from receipt thereof inform the employee in writing through the

immediate supervisor, of his decision: Provided, however, That where the object of his grievance is the Chief of his Unit or Section or an employee or official in another Unit or Section in the same Division, or the personnel of another Division, the complainant may bring his grievance in writing, direct to his Chief of Division who shall refer the grievance to the other Division Chief concerned for proper action• The Division Chief concerned shall render his decision within five (5) days from receipt of the grievance; Provided furthermore, That where the object of his grievance is the Chief of Division, the complainant may present his grievance in writing, direct to the Chief of Hospital or Head of Office concerned.

a. If the complainant is not satisfied" with the decision of his immediate supervisor, he may appeal his grievance in writing to the Chief of Hospital or Head of Office concerned, who shall forward the same together with any comments he wishes to make within five (5) days from receipt thereof .

b Upon receipt of the complaint or grievance. the am: of Hospital or Head of Office shall review the issues and resolve such complaint or grievance within ten (10) days.

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` II• EMPLOYEE-SUPERVISOR RELATIONS COFMITTEE

If end when the employee "is not satisfied with prior decisions on his grievance he my submit thru channels his grievance in writing to the Employee-Supervisor Relations Committee constituted for the purpose.

A. Organization at the Hospital Level

There will be one Committee to be established in each of the medical centers/special/specialty hospitals under the Department of Health.

1. Creation end composition • to be covered by s Hospital Order

1.1 One Chairman) to be designed by the

) Chief of Hospital/Head of

1.2 One permanent member)Office concerned

1.3 Two transient member- one to be chosen by the complainant, and the other is the chief of the primary unit which is the focus of the complaint/ grievance.

2.Modes/Approaches – Understanding Filipino worker.

To understand the Filipino Worker, we trust "amber that we ourselves are as such ss e worker like other with sore rules for the worker to follow and comply with the more errors are committed by the worker• '

2.1 Bureaucratic (the legal system) approach

(a) laws

- P.D. 807

- E.O. 180 which the

- Labor Code Filipino worker

(b) CSC rule/ regulation must be conscious of

(c) Office policies

2.2 No bureaucratic (the culture). system) approach

The customary we:

(a) Filipino nasal" traits - these are saligang pamantayan or the core value.

relating to-

"Pakikipagkapwa" = individual relationship with each other (the relational imperatives)

"Pakikisama " sa lugar- meaning concerned about, supportive of (for social purposes).

'Pakikiramay" - meaning to be sympathetic with. to assist (for orises purpose.)

(b) Filipino "academia" • feelings, sentimentality, sensitivity

(1) "Hiya!" - meaning politeness (for social effect)

(2) "Amor Propio" • self-esteem/self-image; refinement of character

(3) "Awa" • to sympathize with people in time of crisis

(c) Filipino "dangal" - the more Imperative.

(1.) Bahala (without the "na") ka. bahala kaye - this is e personal delegation • (for social effect)

(2) Galang (respect)— meaning “respect me as a human being if you cannot respect my position”(for personal effect)

(3) Utang na loob (the exis)

3/ Guiding principles for the supervisor/manager in grievance handling-

3.1 Take a pro-active rather than a preventive attitude on the matter.

3.2 Establish a sense of identity with your people, take pride in them, and be committed to their welfare.

3.3 Be objective, not subjective: impersonal, not personalistic; and organization-wise, not formalistic.

3.4 Be group-oriented --- consistent, fair, just and firm in your stand.

3.5 Above all, reconcile the legal. armature with the human wines/the cultural norms•

Hence, the general rule is:

First, exhaust all ways and means or the cultural approach beet resort the legal approach.

4. Procedure

4.1 The Chairman shall immediately schedule e hearing within e reasonable period during office hearing a reasonable period during Office hours at suitable time and place.

4.2 All members or the Committee shall be present during the hearings; and all proceedings before the Committee shall be reduced to writing. For this say ethnographer/s employed in the Hospital concerned.

4.3 The procedures enumerated under No. B-1 or these regulations shall also apply in Committee adjustment employee grievance.

4.4 The complainant shall be given ample time for an oral exposition of his grievance, citing, if possible, the management principles or sound personnel violated by inaction on his grievance, or the detriment to his right; and privileges or to the public interest if correction is not made on the complained aspect of his working condition, relationships or status.

4.5 The complement shall not be permitted dwell on expect not covered by his grievance in writing.

4.6 The officer or employee effected by the grievance shall be allowed by the Committee ample chance to present his side.

4.7 Both complainant and the respondent or any officer or employee involved shall be allowed to submit evidence or present witnesses before the Committee hearing.

4.8 The committee shall immediately sit in consultation, and shall submit its findings and recommendations to the Chief of hospital or head of office, as the case may be, within ten (10) days termination of the hearing.

5. Effective of Decision • Unless otherwise provided, the decision or the Chief of Hospital or Head or Office concerned as the case may be, shall take effect immediately, after receipt thereof by the complainant and all parties effected.

6. Administrative Liability • Any officer or employee who violates the procedure for seeking redress of complaints and grievances as herein prescribed shall be subject to administrative disciplinary actions.

7. Responsibility of the Personnel Officer • All written proceedings and records involving complaints and grievances shall be kept by and be the responsibility of the Personnel Officer of the Hospital concerned. Certified true copies thereof shall However be furnished the Department Personnel Officer.

III • EMPLOYEE MANAGEMENT COMMITTEE

A • OBJECTIVES

1. Main • To enhance the knowledge of movement administrators on public sector unionism and to develop among them greater understanding thereof and a more positive attitude toward unionism.

2. Specific - To develop awareness on the extent and present state of public sector unionism;

- To be able to understand the value of establishing and observing grievance procedures; and.

- To know the various alternative actions which the management may pursue in the event of strike situation.

B. CREATION OF ORGANIZATION of the EMPLOYEE-DEPARTMENTAL RELATION (EMAR) COMMITTEE

There shall be an ENAR Committee for each of the medical centers, special and specialty hospitals under the DOH.

1• Creation and composition at the hospital level; ••• to be covered by the Hospital Order.

1.1 One (1) rank-and-file representative

1.2 Members:

(a) Hospital Administrative Officer- Chairman

(b) One (1) Legal Officer- Alternate Chairman

(c) One (1) from Planning and Management Staff under the Office of the Chief of Hospital

(d) Personnel Officer

(e) Two transient member- one to be chosen by the complaining employee/s and the other is the Head of the Division or of the primary Units, which is the focus of the complaint/ grievance.

1.3 Secretariat- Technical Staff of the Personnel Section

C. FUNCTIONS - The EMAR Committee shall

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1• Investigate any reported anomaly or check on any reported grievance of the union concerned;

2• Gather evidence: in relation to number 1;

3• Act as a conciliation body;

4. In Make all necessary efforts to prevent the escalation of . . grievances or dissatisfaction from the rank-and-file;

5• Maintain and establish a line of communication to prevent and/or resolve existing disputes.

D. The EMAR Committee shall:

1. Have the power to issue subpoena duces tecum and subpoena testificandum and such other power as may be necessary in the exercise of their functions;

2. Possess the authority to implement actions/ solutions to grievance presented as agreed upon between the concerned parties;

3. Have the power to adopt contingencies to handle the disputes and/or strikes; and

4. Have the power to compel the disputing parties to submit their dispute to arbitration in order to protect public interest and welfare.

E. PROCEDURE/MECHANISMS IN HANDLING CONFLICT BETWEEN MANAGEMENT AND EMPLOYEE

1. The grievance/conflict may be filed in writing by an individual1• The same must be settled first at the lowest level normally between the aggrieved employee and his supervisor within five (5) days from date of receipt.

2. In case of failure to resolve the same, the complaint is elevated to the higher level in succession until the complaint is filed with the EMAR Committee and finally reaches the Chief of Hospital for

decision on the complaint within ten (10) days from date of receipt of Committee's recommendation

3• In the event tint the employee is not satisfied with the decision of the Chief of Hospital, the same is elevated to the Office of the Undersecretary of Health for hospital and Facilities Services within ten (10) days from date of receipt of the decision. If the employee is still not satisfied with the decision. the complaint is elevated to the Merit System Protection Board of the CSC within fifteen (15) days from the date of receipt of un decision•

4.In Failure to elevate the some within fifteen (15) days will be construed as e waiver and the decision of the Health Undersecretary concerned becomes binding to the employee/s concerned.

F. OTHER MODES OF SETTLING DIPUTES

1. Negotiation

A process whereby representative of the employees and management meet for the purpose of reaching agreement are to be administered.

The following term and conditions of employment may be negotiated

- 1•1 Schedule of vacation leave;
- 1•2 Work assignment t of pregnant women;
- 1•3 personnel l growth end development;
- 1•4 Provision for protection and safety;
- 1•5 Physical fitness program;
- 1•6 Provision for family planning services for ferried women: . .
- 1•8 Recreational, social, athletic and cultural activities and facilities.

The following terms am conditions cannot be negotiated:

- 1•1 Increase in salary emolument and other allowance not presently provided for by law;
- 1•2 Facilities requiring capital outlaw"
- 1•3 Car plan;
- 1.4 Provident fund;
- 1.5 Special hospitalization, medical and dental services;
- 1.6 Rice. sugar and other subsidies;
- 1.7 novel expenses; '
- 1.8 Increase in retirement benefits; end
- 1.9 Other. such as

- (a) appointment
- (b) assignment/detail
- (c) classification/upgrading of position •
- (d) promotion
- (e) ' revision or compensation structure
- (f) penalties imposed as as result of disciplinary actions
- (g) selection of personnel to attend seminars
- (h) distribution of work load; and
- (i) external communication linkages

However, submission of proposals to the proper authorities to improve the terms and conditions of employment is allowed.

2. Conciliation

A process whereby conciliator designated by the Committee brings the representatives of the discuss their differences and assist them in developing their on proposed solution.

3. Mediation

A process whereby a third party designed by the Committee as mediator takes a more active part in assisting the parties to reach an acceptable solution to the problems and helps the conflicting parties develop or come out with an acceptable solution.

4. Arbitration

A process whereby a third party not acting as a court of law, empowered by the Committee to make a decision which disposes of the disputes.

Kinds of Arbitration:

4.1 Voluntary arbitration

A method of settling dispute where the parties them submit the "controversy" before an arbitrator or panel of arbitrator Initially acceptable to both parties who shall render an award after proper hearing of the issues involved. The parties abide by whatever award of decision the arbitrator renders.

4•2 Compulsory arbitration

A method wherein the employee- Management Relations Committee compels the disputing parties to submit their dispute. to arbitration in order to protect public interest and welfare!

Upon approval of this Administrative Order and in accordance with the provisions thereof, the Chiefs of the Medical Centers/Special and Specialty Hospital are hereby directed to organize establish their respective EMEOYMUPERVISOR RELATIONS (Grievance Committee and EMPLOYEE- MANAGEMENT RELATIONS (EMAR) Committee within fifteen (15) dam from receipt hereof and

both Committee. shall be operational immediately. The organizational set-up the said Committees should be submitted to the Office of the Undersecretary for Hospital and Facilities Service for

approval. and copies thereof

should be furnished the Office for Management Services thru it: Administrative Serviced

Strict and prompt compliance herewith by all concerned in enjoined

ALFREDO R.A. BENGZON, M.D

Secretary of Health