

Republic of the Philippines
PUBLIC SECTOR LABOR MANAGEMENT COUNCIL
CSC Building, Constitution Hills
Diliman, Quezon City

AGENCY FEE FROM NON-MEMBERS
OF THE ACCREDITED/RECOGNIZED
COLLECTIVE NEGOTIATING AGENT
X-----X

Resolution No. 1, s. 1993

WHEREAS, the 1987 Constitution, Executive Order No. 180 and its implementing Rules recognize and guarantee, among others, the rights of government employees to self-organization and collective negotiations;

WHEREAS, the right to self-organization involves the process of registration and accreditation of employee unions, the former granting legal personality to an association so as to be entitled to the rights and privileges under EO 180, and the latter, conferring recognition to the employee union which enjoys the majority support of the total rank-and-file employees in the agency to be their sole and exclusive negotiating agent;

WHEREAS, while an agency may have a number of registered employee unions, there can only be one accredited/recognized negotiating agent in the same appropriate organizational unit;

WHEREAS, there have been cases where an employee of an appropriate organizational unit is not a member of the accredited/recognized negotiating agent but enjoys or accepts benefits under the Collective Negotiation Agreement concluded by the latter with Management;

WHEREAS, the Council has been receiving requests for a clear-cut ruling as to whether agency fees can be assessed from said non-union members who enjoy the benefits under the Collective Negotiation Agreement, without need of individual authorization;

WHEREAS, the Labor Code of the Philippines which applies suppletorily

to the resolution of complaints, grievances and cases involving government employees, authorizes the assessment and collection of agency fees, even in the absence of the employees' individual authorization, provided they enjoy the benefits under the Agreement.

WHEREFORE, the Council resolves, as it is hereby resolved, to adopt the following guidelines in the assessment and collection of agency fees:

Section 1. The agency fee may be assessed and collected from the rank-and-file employees of the organizational unit who are not members of the accredited/recognized negotiating agent but enjoys the benefits under the Collective Negotiation Agreement.

Section 2. It shall be limited only to a reasonable amount equivalent to the union dues and other fees normally being paid by a member of the accredited/recognized negotiating agent.

Section 3. There is no need of individual written authorization on the part of the non-members concerned.

This Resolution shall take effect immediately.

ADOPTED and **APPROVED** this 15th day of November, 1993 in Quezon City, Philippines.

(Sgd.) PATRICIA A. STO. TOMAS
Chairperson, Civil Service Commission
CHAIRMAN

(Sgd.) NIEVES R. CONFESOR
Secretary, Department of Labor and Employment
VICE-CHAIRMAN

(Sgd.) FRANKLIN M. DRILON
Secretary, Department of Justice
MEMBER

(Sgd.) ERNEST C. LEUNG
Secretary, Department of Finance
MEMBER

(Sgd.) SALVADOR M. ENRIQUEZ, JR.
Secretary, Department of Budget and Management
MEMBER