



NATIONAL CONCILIATION AND MEDIATION BOARD

2012 Annual Report

A. CONCILIATION-MEDIATION

ACTUAL STRIKES/LOCKOUTS

The National Conciliation and Mediation Board effectively maintained a peaceful industrial relations climate towards job preservation by managing to pursue a steady decline in the number of work stoppages. The Board managed to keep the incidence of work stoppages to only three (3) during the period January 1 to December 31, 2012. The three new strikes which affected a total of 209 workers, comprise a low 0.4% of the total notices of strike/lockout handled during the period.

Two of the three work stoppages occurred in RB XI (Radio Mindanao Network Inc. -Davao and Freshmax Corporation), and one in RB XIII (Prudential Customs Brokerage Services Inc.). The other regions were strike and lockout-free during the period, mainly due to functional workplace conflict prevention and settlement schemes (grievance machineries) and workplace cooperation and partnership mechanisms (LMCs).

Of the three strike cases declared, one (1) case involved deadlock in collective bargaining (BD) while the remaining two cases raised both issues of unfair labor practice (ULP) and deadlock collective bargaining (BD).

Mandays lost decreased by 76% from 3,828 in 2011 to just 922 in 2012.

The Board disposed all three actual strikes handled through amicable settlement to achieve 100% disposition and settlement rate. Overall dispute management rate (or the ratio of the total number of notices of strike/lockout and preventive mediation cases that did not materialize into actual work stoppage to the total notices of strike/lockout and preventive mediation cases handled) was computed at 99.6%.

The Board disposed of actual strikes in an average of 6 days.

The successful resolution of the three actual strike cases in 2012 benefited some 209 workers with P41-M in CBA package.

NOTICES OF STRIKE/LOCKOUT

The Board docketed 184 new notices of strike/lockout during the year, 23% lower than the 240 new cases received in 2011. The new cases involved 40,861 workers compared to 51,001 last year, a decrease of 20%.

Of the 184 new cases filed, 115 raised the issue of unfair labor practice, 60 involved deadlock in bargaining negotiations and nine had a combination of both issues.

The Board recorded 87% disposition rate during the period, 1% higher than the 86% achieved in 2012. Settlement rate was registered at 79% from 78% last year.

The Board settled notices of strike/lockout cases in an average of 49 days, eight days longer than the 41 days to settle notices of strike in 2011.

Monetary benefits resulting from case settlement include some P461-M in CBA package benefiting 5,514 workers and P160-M in separation pay and other monetary benefits for 1,540 workers.

PREVENTIVE MEDIATION

The Board received 428 new preventive mediation cases during the period January 1 to December 31, 2012, 20% lower than the 535 cases filed in 2011. Workers involved in the new PM cases likewise decreased by 21%, to 118,776 from 149,652 last year.

Of the 428 total cases filed, 387 involved unfair labor practice. Deadlock in collective bargaining, mostly on economic issues, was raised in 38 cases. Three cases raised both ULP and BD issues.

The Board disposed of 437 of the 471 preventive mediation cases handled during the period for a disposition rate of 93%, the same disposition rate achieved in 2011. Settlement rate slightly increased to 88% from 87% in 2011.

It took the Board 31 days to settle a preventive mediation case in 2012, one day faster than the 32 days it took to resolve PM cases in 2011.

Monetary benefits resulting from case settlement include some P340-M in CBA package benefiting 3,366 workers and P931-M in separation pay and other monetary benefits for 3,146 workers.

SINGLE ENTRY APPROACH (SENA)

The Single Entry Approach (SENA), formerly Free Legal Aid and Voluntary Arbitration Services (FLAVAS), on the other hand, continue to be an option for dispute settlement for individual or group of workers. Single Entry Approach is another option provided by the Board for workers in the filing of cases with conciliation as the entry point. If settlement is not reached, the parties can elevate the issue to Voluntary Arbitration.

For 2012, the Board received a total of 3,916 requests for assistance (RFAs) under the SENA, a sharp increase of 121% from 1,770 cases received in 2011. The Board handled a total of 4,088 SENA cases during the year.

The Board disposed a total of 3,826 cases of the 4,088 SENA cases handled during the period for a disposition rate of 94% and settled 3,766 cases for 92% settlement rate, benefiting some 3,746 workers with P201-M in monetary benefits.

B. WORKPLACE COOPERATION AND PARTNERSHIP

NCMB advocates the LMC as more than a structure that is composed of both labor and management representatives. It is a state of relations where there is a continuing process of finding the right balance in achieving bipartite agreements over prevention and/or resolution of workplace conflicts/disputes as well as addressing other relevant and emerging workplace issues.

The Board's prime intervention consist of program advocacy/promotion, facilitation in organizing structure, reactivation or enhancement of existing LMCs and networking with social partners through the conduct of orientation seminars, learning sessions, skills/specialized training workshops, consultation meetings, and other area-wide/plant-level activities.

In 2012, the Board through its 16 regional branches was able to facilitate a total of 231 LMCs in 223 companies (96 or 42% in organized establishment and 135 or 58% in unorganized or non-unionized companies). This brought the number of existing LMCs nationwide to 2,107 as of December 31, 2012.

Fifty one percent (114) of LMCs facilitated were in small enterprises, 31% (75) were in large establishments, while 15% (34) were in medium-sized enterprises. The largest industry sectors represented are manufacturing (39%), education (11%), and accommodation & food service activities (11%).

In terms of sustaining LMC mechanisms, the Board through its regional branches, conducted a total of 569 enhancement activities and was able to strengthen a total of 1053 LMCs (643 in organized establishments; 410 in unorganized establishments), covering about 12,243 employees. Forty four percent (250) of such enhancement activities were focused on consultation meetings, 21% (120) on plant level re-orientation and 14% (82) on specialized training seminars. The remaining 21% were distributed in activities such as networking with social partners (9%), area-wide seminar (5%), learning session (5%), and skills training workshop (2%).

Of the 1,959 companies with LMCs, 9.6% or 190 were involved in con-med cases in 2012. This implies that 90.4% or 1,771 companies were dispute-free during the period, suggesting the effectiveness of bipartite mechanism such as LMC to either prevent or resolve workplace conflict/issues.

Of the 190 case filers, 106 companies or 56% were given technical assistance through the aforementioned enhancement activities. This is to complement/supplement the existing bipartite mechanism as well as the Board's conciliation-mediation efforts toward fast and efficient settlement of issues/cases.

Aside from the above, the Board's LMC Division (Workplace Relations Enhancement Division), was involved in the development and implementation of the DOLE's flagship project on Incentivizing Compliance Program (ICP), Productivity Specialists, and DO 118-12 (Public Utility Bus Transport Industry) as member of the inter-agency TWG.

C. GRIEVANCE HANDLING and VOLUNTARY ARBITRATION

Grievance Machinery

The NCMB conducts area-wide seminars and skills training on grievance handling, conflict management and joint problem solving process to help labor and management settle workers grievances at the shop floor.

In 2012, 204 GMs were operationalized while 487 GMs were strengthened in organized establishments. The Board also institutionalized 171 GMs in unorganized companies. There are 1,875 active and functioning Grievance Machineries nationwide as of 31 December 2012.

Voluntary Arbitration

Voluntary arbitration is the terminal step in the parties' grievance machineries. It is observed that fewer grievances managed to reach voluntary arbitration, hence, a decline in the voluntary arbitration cases.

Voluntary arbitration cases submitted since 1988 reached 4,708 or an average of 188 cases annually. For 2012, some 169 new VA cases were docketed, bringing the total cases handled to 254.

Of the 254 cases handled, 171 or 67% were disposed. The estimated monetary award for disposed cases amounted to Php243,406,960.89 benefitting some 1,686 workers. Accredited voluntary arbitrators needed an average of 162 days to dispose VA cases reckoned from acceptance, and 51 days reckoned from submission for decision.

Delay in the disposition of cases normally results from motions for extension of time to submit a particular pleading by the parties. It has also been noted that some of the cases filed are through Notice to Arbitrate, in which case, there is an unwilling party. Thus, the Motion to Dismiss the case and several others are first resolved before the Accredited Voluntary Arbitrator (AVA) examines the issues submitted for arbitration.

Eighty-eight (88) out of the 171 disposed cases were subsidized by the Board in the amount of Php1,052,000.00. The union requested subsidy in 63 cases, management in one case, and both parties in 24 cases.

Appeals rate indicates how well our partners in the labor and management sectors trust the voluntary arbitration program. Out of the 138 decided VA cases for 2012, only 15 or 11% were elevated to the Court of Appeals for further review. This shows high confidence not just in the program but also with the Board's accredited voluntary arbitrators' capacity in dispensing labor justice through their decisions/awards.

Since 1988, 817 of the 3,879 decided voluntary arbitration cases or 21% have been brought before the Court of Appeals for review and 616 have been disposed, of which four hundred sixty-seven (467) or 76% were affirmed while 68 or 11% were reversed. The others were settled amicably and withdrawn by the parties.

D. OTHER ACTIVITIES

The Voluntary Arbitration Division (VAD) served as secretariat to the Tripartite Voluntary Arbitration Advisory Council (TVAAC). In 2012, the Board, in coordination with the TVAAC successfully conducted the General Retooling Seminar for Accredited Voluntary Arbitrators and the 8TH Philippine Association on Voluntary Arbitration (PAVA) Convention on 26-27 October 2012. The twin activities were participated in by some 102 Accredited Voluntary Arbitrators (AVAs) from all over the country. The event coincided with the election of new set of PAVA Officers for 2012-2014 where Atty. Delia T. Uy was elected as president. Also, the new set of officers of the Philippine Maritime Voluntary Arbitrators' Association (PMVAA), headed by its duly elected president, Atty. Jesus S. Silo, took their oath.