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GUIDELINES FOR FILING, HEARING AND RESOLVING LABOR-RELATED COMPLAINTS

CEZA ADMINISTRATIVE ORDER NO. 002, S. OF 2010, May 28, 2010

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Pursuant to the Provisions of the Declared Policy of Republic Act 7922, otherwise known as the "Cagayan Special Economic Zone Act of 1995" the following guidelines are hereby prescribed for the guidance and compliance of all locators, contractors, investors and employees within the zone.

ARTICLE I – PRELIMINARY PROVISIONS

SECTION 1. Title - These guidelines shall be known as CEZA Administrative Order No. 002 series of 2010.

SECTION 2. Statement of Policies - Pursuant to its mandate, the Authority aims to assuage the high unemployment rate in the Philippines, particularly within the immediate surroundings of the zone, by providing a conducive business climate that shall effectively attract legitimate and productive foreign investments and thereby create jobs.

These guidelines shall layout policies on industrial peace, harmony and productivity within the zone taking into consideration the influx of foreign investments, vis-a-vis the basic rights and welfare of all workers within the zone.

SECTION 3. Applicability - These guidelines shall apply to all CSEZFP Registered Enterprises and other service contractors and subcontractors doing business within the zone and to all employees employed therein.

SECTION 4. Definition of Terms - For the purpose of this Administrative Order, the terms used herein shall mean as follows:

a. "RA 7922" shall refer to Republic Act No. 7922, otherwise known as the "Cagayan Special Economic Zone Act of 1995".

b. "CEZA" shall refer to the Cagayan Economic Zone Authority, a government corporate body established pursuant to RA 7922.

c. "CSEZFP" shall refer to the Cagayan Special Economic Zone and Freeport defined in Section 3 of Republic Act 7922 as a separate customs territory covering the entire area embraced by the Municipality of Santa Ana and the Island of Fuga, Barit and Mabbag in the Municipality of Aparri, all in the Province of Cagayan.

d. "Investor/Locator" shall refer to enterprises with Provincial Certificate of Registration or Certificate of registrations CSEZFP Enterprise.

e. "Employees" shall refer to persons who shall be hired to perform services to investor/ locator/contractor or subcontractors for a fixed fee, and shall cover not only permanent/ regular employees but contractual and daily paid workers as well.

f. "Labor Center" shall refer to the Labor, Employment and Productivity Office (LEPO) which was created to implement these guidelines.

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g. "Labor Dispute shall refer from violations or non-compliance of labor standards as promulgated by the Department of Labor and Employment.

ARTICLE II – PROCEDURAL GUIDELINES

SECTION 5. Filling of Complaint – The complaint must: (a) state in his complaint his name and address and likewise the name and address of the respondent where summons can be served; (b) clearly state the factual circumstances of his complaint attaching therein any evidence e.g. training, employment, contract affidavits, etc. to support his allegations together with the relief (s) prayed for; (c) the respondent shall likewise clearly state in his answer the essential facts to put up his defense and the relief(s) prayed for; (d) the complaint and answer must be subscribed and sworn to before a Notary Public or any person authorized by law to administer oath.

SECTION 6. Jurisdiction of Labor Disputes. Subject to existing labor or employment contracts or collective bargaining agreement, all labor disputes within CSEZFP must be brought before the Disputes Officer of the Labor Center for possible amicable settlement.

SECTION 7. Procedures for Investigation. (A) The Disputes Officer of the Labor Center or his authorized representative shall receive complaints relative to labor disputes. But before receipt of such complaint, he shall require the complainant to furnish a copy of said complaint with pertinent evidences, if any, by giving a copy of the proof of service to the respondent. (B) The Disputes Officer shall within ten (10) days from receipt thereof shall require the respondent(s) to answer the complaint with pertinent evidences, if any, furnishing a copy to the complainant. Proof of Service shall likewise be required which maybe by registered mail or personal delivery. (C) Within ten (10) days from receipt of such proof of service of the answer, the Disputes Officer shall notify both parties to appear before him to discuss the possibility of amicable settlement of their labor differences on a date and time set for this purpose. (D) Resetting the date originally set for the confrontation between the parties maybe granted on reasonable or justifiable grounds except where it is obviously made for purposes of delay (E) During the confrontation, the Disputes Officer shall listen to their oral arguments, put all proceedings on record and endeavor to mediate or conciliate the differences of the parties to arrive at an amicable settlement thus, fostering industrial peace and harmony of workers and CEZA-Registered Business Entrepreneurs. (F) If for any reason, after exhausting all possible legal means for the amicable settlement of the labor dispute, no amicable settlement was forged between the parties, the Disputes Officer shall issue a Certification to that effect and forward the complete records of such complaint to the Department of Labor and Employment (DOLE) for assumption of jurisdiction.

SECTION 8. Form of Settlement - All amicable settlements shall be in writing in a language or dialect known to the parties signed by them and attested by the Disputes Officer.

SECTION 9. Pre-condition to filing of CEZA-Labor-Related complaint to DOLE - No complaint involving labor shall filed with the DOLE unless there has been a confrontation between the parties before the Disputes Officer. That no conciliation or settlement has been reached as certified by the Disputes Officer or unless the settlement reached has been repudiated by the parties within ten (10) days from the date of settlement. A sworn statement to that effect shall be filed before the Disputes Officer where the consent is vitiated by fraud, violence, or intimidation. Such repudiation shall be sufficient basis for the issuance of a certification for filing of the complaint with DOLE.

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ARTICLE III – EFFECTIVITY

SECTION 10. Effectivity - This Administrative Order shall take effect on 05.27.2010 and shall be published in at least one (1) newspaper of general circulation upon signing.

(SGD.) SEC. JOSE MARI B. PONCE
Administrator and Chief Executive Officer

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