



Online Micro Sellers Multipurpose Cooperative

Unit 907 & 908, One Park Drive 8th Avenue Corner 11th Drive
Bonifacio Global City, Barangay Fort Bonifacio Taguig City
Registered with the Cooperative Development Authority - Manila Extension Office
CDA Registration No. 9520-101600000039775 CIN 16201739775 | TIN 50157-20600000

ONLINE MICRO SELLERS
MULTIPURPOSE
COOPERATIVE

**CONFLICT RESOLUTION
POLICIES AND PROCEDURES**



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OMSMPC CONFLICT RESOLUTION POLICIES AND PROCEDURES

I. TITLE

This policy shall be known as “OMSMPC Conflict Resolution Policies and Procedures”

II. DECLARATION OF PRINCIPLES

Pursuant to Article 137 of Republic Act No. 9520, otherwise known as the Philippine Cooperative Code of 2008 and reinforced by Republic Act 9285, known as the Alternative Dispute Resolution Act of 2004, and the Cooperative Development Authority (CDA) Memorandum Circular No. 2013-20, entitled Revised Guidelines Governing the Conduct of Conciliation-Mediation Proceedings at the Primary and Union/Federation Level, the Online Micro Sellers Multipurpose Cooperative (OMSMPC) hereby adopts and promulgates the following guidelines:

The Mediation-Conciliation or Conflict Resolution Process shall be conducted in accordance with the following principles:

- a) Subsidiarity – all disputes shall be resolved amicably at the primary level.
- b) Confidentiality – no transcript of the proceedings shall be **disclosed** during the Mediation-Conciliation process, and that all notes and admissions of the parties shall be inadmissible in any other proceedings.
- c) Speedy Inexpensive Mediation-Conciliation Process – no technical rules of evidence shall be applicable hereunder.
- d) Flexibility – the Mediation-Conciliation Committee, Mediation- Conciliation Coordinator and any other parties involved in the process shall be vested with discretion to conduct the same **at the schedule and the venue** as agreed upon by the parties.
- e) Liberal Construction – these Guidelines shall be liberally **construed** in favor of attaining the paramount objective of amicably settling disputes at the lowest level.



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- f) Independence and Autonomy – the members of the Mediation-Conciliation Committee, the Mediation-Conciliation Coordinators and Conciliator-Mediators shall be insulated from all types of external influence and pressures.
- g) Accessibility – the process is open to all members/**management staff** desirous of solving their disputes and/or problems amicably as the CDA recognizes the need to make justice accessible as widely as possible to all members of the cooperative.
- h) Voluntariness – submission to the Mediation-Conciliation process shall be completely voluntary.

III. SCOPE & COVERAGE

These guidelines shall govern the administration and conduct of mediation and conciliation proceedings of the Online Micro Sellers Multipurpose Cooperative. Nothing in these guidelines shall preclude the parties from seeking other modes of amicably settling the disputes and provided further that mediation and conciliation shall not prevent the Cooperative from implementing sanctions and penalties against violations of its rules and regulations.

These guidelines shall apply to all disputes and issues among members, **management staff**, officers, directors, and committee members of the cooperative. The Mediation and Conciliation Committee shall facilitate the amicable settlement of disputes. Should such mediation and conciliation proceedings fail, the matter may be settled through voluntary arbitration, provided however that before any party can file a complaint with the Authority for voluntary arbitration, they shall first secure a certification from the Mediation and Conciliation Committee to that all efforts to settle the issues have failed.

IV. OBJECTIVES

This policy aims to establish procedures which shall apply to all disputes raised among members, **management staff**, officers, directors and committee members of the OMSMPC.

As far as practicable, its goal is to settle all disputes amicably among all parties in interest, in accordance with the mediation and conciliation mechanism, embodied by the by-laws of the Cooperative and all other applicable laws.



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V. DEFINITION OF TERMS

As used in these guidelines, the following terms shall mean:

1. Mediation - a process whereby neutral third-party facilitates the negotiation between disputing parties to reach a voluntary, mutually satisfactory outcome.
2. Conciliation - a process whereby a neutral third party takes a vigorous and active role in assisting disputants formulate solutions in order to reach an amicable settlement.
3. Mediation-Conciliation Officer – a member of the Mediation and Conciliation Committee of the OMSMPC designated to act in relation to a request for mediation and conciliation raised by a party in interest.
4. Conflict Coaching – a stage in the mediation-conciliation process, the objective of which is to clarify the issues and interests of each party.
5. Conciliation Agreement – an initial document issued upon the parties in interest detailing initial agreed settlements and the timelines by which such settlements shall be carried out
6. Settlement Agreement – a formal written agreement following a successful mediation and conciliation conference and after the terms of the initial Conciliation Agreement shall have been fulfilled by both parties in interest. It is duly signed by the parties with the assistance of the Mediation and Conciliation Officer.
7. Failed Mediation-Conciliation – a situation where no settlement is reached by the disputants after the conflict coaching has started.
8. Refused Mediation-Conciliation – a situation when one or both parties in interest refused to enter Mediation-Conciliation or failed to appear despite notice.
9. Certificate of Non-Settlement - a document issued by the Mediation and Conciliation Committee in case of failed or refused Mediation-Conciliation, or in instances where the terms of the initial Conciliation Agreement were not carried out by the disputing parties.



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10. Party in Interest -any member, **management staff**, officer, committee or cooperative who stands to be benefited or injured by the settlement agreement.

VII. COMPOSITION, QUALIFICATIONS, TERMS OF SERVICE AND FUNCTION OF THE MEDIATION AND CONCILIATION COMMITTEE

- a. Composition: The Committee shall be composed of at least three (3) members, who are appointed by the Board of Directors in accordance with the Cooperative by-laws. Within ten (10) days after their election, the Committee shall elect from among themselves, the chairman, vice- chairman and secretary.
- b. Qualifications: Any member in good standing (MIGS) who has all the qualifications and none of the disqualifications provided in the by-laws and pertinent issuances of the authority is qualified to become member of the Committee, provided he/she has no pending case in the Cooperative or with the Authority, or found guilty of violation of any laws and provided further that said officer does not hold any other position in the Cooperative during his/her term of office.
- c. Terms of Service: Members of the Committee **shall** serve for **one (1)** year, or until their successors shall have been appointed and qualified. In case of vacancy in the Conciliation and Mediation Committee by reason of death, total incapacity, resignation, or termination of membership, the BOD shall appoint a qualified member to fill the vacant position within fifteen (15) days from date of vacancy. In such a case, the appointee shall only serve for the unexpired portion of the term.
- d. Functions and Responsibilities: The Committee shall have the following functions and responsibilities:
 - I. Formulate and develop the Mediation and Conciliation Programs and ensure that it is properly implemented.
 - II. Monitor Mediation and Conciliation programs, processes, and operations (entry of new cases, status of pending cases, performance of Mediation and Conciliation Officer).
 - III. Submit semi-annual reports to the CDA within fifteen (15) days after the end of every semester.
 - IV. Accept and File Evaluation Reports.



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- V. Submit recommendations for improvements to the Board of Directors.
- VI. Recommend to the Board of Directors any member of the cooperative for Conciliation - Mediation Trainings as Cooperative Conciliator-Mediator.
- VII. Conciliate, hear, and decide all disputes and issues among members, **management staff**, officers, directors, and committee members, and intra-cooperative disputes.
- VIII. Provide Mediation-Conciliation services during their term, provided the member/s of the committee are mutually selected by both parties.
- IX. Issue the certificate of non-settlement (CNS).
- X. Subject to the approval of the General Assembly, to issue supplemental rules and procedures concerning mediation-conciliation processes as may be deemed necessary.
- XI. To exercise such other powers as may be necessary to ensure speedy, just, equitable and inexpensive settlement of disputes within the Cooperative.

VIII. TERMINATION OF COMMITTEE MEMBERS

Members of the Committee may be terminated for violation of the code of Ethical Standards, breach of the provision on confidentiality, manifest partiality, conduct undermining the integrity of the Mediation-Conciliation process and such other grounds as may be provided by the by-laws.

IX. EXCLUSIONS

The following matters are not covered by the Mediation and Conciliation Guidelines:

- Disputes between a member and a non-member of the Online Micro Sellers Multipurpose Cooperative
- Matters between a member and the third-party selling platform where Online Micro Sellers Multipurpose Cooperative members may be sellers or not
- Disputes which are criminal in nature cognizable by the regular or special courts
- Disputes arising out of a violation of the guidelines under the purview or jurisdiction of other Committees in the Online Micro Sellers Multipurpose Cooperative regardless if such violations were done out of commission or omission



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- Matters falling under the administrative and regulatory functions or matters that pertain to compliance with the mandatory requirements of law and related issuances
- Violation of Article 47, R.A. 9520 (Dealings of Directors, Officers or Committee).
- Violation of Article 48, R.A. 9520 (Disloyalty of a Director).
- Violation of Article 49, R.A. 9520 (Illegal Use of Confidential Information).
- Violation of Article 83, R.A. 9520 (Right to Examine).
- Violation of Article 125, R.A. 9520 (Prohibition).
- Non-compliance with other laws stated in Article 135, R.A. 9520.
- Violation of Article 140, R.A. 9520 (Penal Provision).
- Labor disputes
- Other disputes which are not subject to a compromise

X. FILING

Any action for mediation and conciliation may be commenced upon the receipt of written request or complaint by any member of the Online Micro Sellers Multipurpose Cooperative.

The written request or complaint must be addressed to the Mediation and Conciliation Committee, signed by the complainant/requestor, and must contain the following:

1. Name of the complainant/requestor
2. Contact information of the complainant/requestor
3. **Identification** of the respondent such as but not limited to: **name, store name, address, association**
4. Contact information of the respondent
5. A narration of the facts or statement of issues relevant to the complaint being raised

The written request for mediation or complaint may be personally submitted to the Compliance Officer or any officer from the Management Team assigned by the General Manager, at the Office of the Online Micro Seller Multipurpose Cooperative, mailed or delivered to the same, or sent via electronic mail to medcon@microsellerscooperative.com.

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Written requests for mediation or complaints sent electronically may either be scanned or photographed copies of a signed hardcopy bearing the above required information, or may be a digital soft copy bearing the electronic signature of the complainant/requestor, and must be sent using their email address registered with the Online Micro Sellers Multipurpose Cooperative.

XI. VALIDATING THE REQUEST/COMPLAINT RECEIVED

Upon receipt of the written request/complaint, the members of the Mediation and Conciliation Committee will then convene to review the request/complaint to ascertain if it is proper in form based on the guidelines above. If found to be improper in form, complainant/requestor shall be requested to resubmit their request/complaint.

If proper in form, the request/complaint will then be reviewed to determine if it does not fall within the exclusions of disputes stated in these guidelines. If it is within these exclusions (i.e., The dispute is outside of the purview or jurisdiction of the Mediation and Conciliation Committee), the Committee shall inform the complainant/requestor in writing and the Mediation and Conciliation Process shall not proceed.

If matter is found to be within the purview and jurisdiction of the Mediation and Conciliation Committee, a Mediation-Conciliation Officer and a Witness shall be assigned to the complaint to be decided via a virtual roulette to be facilitated by the Chairperson.

The parties in interest have the option to request the replacement of the assigned Mediation and Conciliation Officer at any time during the Mediation and Conciliation proceedings due to a loss of confidence or manifest partiality.

Matters/complaints found out to be more related to GAD or Ethics shall be coordinated with the said committees accordingly. Thus, co-handling or turn-over of the process may be deemed appropriate.

XII. FILING OF COMPLAINT RESPONSE

Once a Mediation-Conciliation Officer has been assigned to the request/complaint, he shall furnish the respondent with a copy of the request/complaint along with an order to file their written comments/responses thereto, addressed to the Mediation-

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Conciliation Officer within a non-extendable period of fifteen (15) days from the receipt of the order.

If the respondent fails to submit their responses within the said period, it shall be presumed that they are waiving their right to be heard prior to the Mediation and Conciliation Conference.

XIII. MEDIATION AND CONCILIATION CONFERENCE

Upon receipt of the respondent's written comments/responses to the request for mediation/complaint, the Mediation-Conciliation Officer shall ask both parties for their availability on a possible conference schedule and once agreed to by all parties involved, shall issue a Notice of Conference to all Parties in Interest stating the date, time, and venue of the conference. While a face-to-face conference is preferred, an online conference may also suffice.

Required attendees to the Mediation-Conciliation Conference are as follows:

1. Complainant
2. Respondent
3. Mediation-Conciliation Officer
4. A representative from the Mediation-Conciliation Committee to serve as documenter
5. Two witnesses from the other Coop Officers and/or the Management Team

Should either of the Complainant or Respondent be unable to make an appearance on the agreed conference schedule, they may make a one-time request for postponement and rescheduling of the conference. Such requests shall be accommodated up to one hour prior to the initially scheduled conference. A new Notice of Conference shall then be issued on the agreed new schedule. If the request for postponement and rescheduling is made by any of the parties less than an hour prior to the initially scheduled conference, its approval shall be contingent on the other party who shall need to be present on the initially scheduled conference.

During the Mediation-Conciliation Conference, the Mediation-Conciliation Officer shall have the following documents at his disposal:

- A copy of these guidelines for easy reference
- A copy of the OMSMPC Articles of Cooperation and By-Laws
- A copy of the complaint and comments thereto

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In the conference, the Mediation-Conciliation Officer shall make it clear that the purpose of the conference is to see whether the parties at interest can reach a settlement or agreement after a thorough discussion of the issues. In order to facilitate this, the Mediation-Conciliation Officer must clearly identify these issues first.

During the conduct of the conference, it shall be the responsibility of the Mediation-Conciliation Officer to ensure that the following rules are observed:

- Parties must appear without the assistance of counsel
- Technical rules and proceedings for judicial proceedings shall not be applicable to a Mediation-Conciliation Conference
- It shall be conducted in a non-adversarial manner and shall proceed with the end view of being able to settle matters amicably
- All parties involved shall be afforded an equal opportunity to discuss their concerns and ventilate their opinions concerning the dispute

Minutes of the proceedings of the conference shall be made by the designated documenter and shall form part of the records of the case.

The Mediation and Conciliation proceedings and all incidents thereto shall be held in strict confidentiality. All statements or admissions made during the conference proceedings shall be deemed inadmissible as evidence in any other proceedings, nor must it be divulged by any of the Parties in Interest or any party present during the proceedings to any third person.

The conference may be recessed from time to time as the Mediation-Conciliation Officer deems fit in order to allow the parties to consult or discuss with one another. Any of the parties may also request for a suspension of the conference in order to mull over the conference proceedings thus far, with an agreed new schedule for reconvening prior to the suspension, provided that the conference shall be completed within three (3) months upon the validation and acceptance of the complaint or mediation-conciliation request.

Any scheduled Mediation Conference shall run for a maximum of two hours for the scheduled date upon which, if the matter remains unresolved, it shall be deemed automatically suspended and rescheduled to be continued at a later date and time.

XIV. SETTLEMENT & AGREEMENT

Once all the issues have been thoroughly discussed and the parties have reached an agreement, the following guidelines shall be observed:



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- The agreement shall be reduced in writing, to be prepared and attested to by the Mediation-Conciliation Officer
- An initial Conciliation Agreement shall be issued detailing the principal points of the complaint and the agreements made as well as a timeline for when the agreements should be carried out by both parties.
- Copies of the Conciliation Agreement shall be furnished to the Parties in Interest within three (3) days after the Mediation-Conciliation Conference was concluded.
- Either party must then advise the Conciliation Officer if the conciliation agreements made have been carried out within the timeline agreed to as stated in the Conciliation Agreement.
- Upon verification with both parties that the agreed terms have been carried out, the Conciliation Officer shall issue a formal Settlement Agreement and the matter shall be reported as resolved
- The Settlement Agreement shall be clear and concise and must contain all salient points of the agreement reached by the two parties
- Copies of the Settlement Agreement shall be furnished to the Parties in Interest within fourteen (14) days after the Mediation-Conciliation Conference was concluded

XV. NON-RESOLUTION

A Certificate of Non-Resolution shall be issued by the Mediation-Conciliation Officer assigned to the complaint on any of the following grounds:

- In the event that after the conduct of a Mediation-Conciliation Conference within the allowable maximum period or allowable maximum number of conferences, the parties are unable to come to an agreement
- If no Mediation-Conciliation Conference was conducted because of the non-appearance of both parties to the scheduled conference
- If one of the parties did not appear for the scheduled Mediation-Conciliation Conference and no prior request for postponement and reschedule was made or if the request for postponement and reschedule was made less than one hour prior to the scheduled conference the party that appeared declined the request for postponement and reschedule
- If either or both parties advise the Mediation-Conciliation Committee in writing that there was a breach in the terms of the Conciliation Agreement initially signed by both parties after a supposed successful Mediation-Conciliation Conference



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Upon the issuance of a Certificate of Non-Resolution, all records of the conference proceedings shall be **closed**.

If cases are not resolved within three (3) sessions or within the maximum allowable period of three (3) months commencing upon the day the request for mediation-conciliation was validated by the Mediation-Conciliation Committee, the case shall be considered as unresolved and a Certificate of Non-Settlement will be submitted to the Board for further resolution.

XVI. AD HOC MEDIATION & CONCILIATION COMMITTEE

In cases where any of the Parties in Interest of the complaint or the request for mediation and conciliation is a member of the Mediation and Conciliation Committee, the Chairperson of the Mediation and Conciliation Committee shall endorse the complaint/request to the Board of Directors who shall forthwith call a special Board Meeting to form an Ad Hoc Mediation and Conciliation Committee composed of the following:

- The Board Secretary
- A member of the Election Committee
- A member of the Education and Training Committee
- A member of the Ethics Committee
- A member of the Audit Committee

This ad hoc committee shall convene immediately and shall proceed to resolve the case in consonance with the guidelines prescribed in this document. The ad hoc committee shall immediately be dissolved upon the resolution of the case or upon the issuance of a Certificate of Non-Resolution should there be a failure for both parties to come to an agreeable settlement.

XVII. BUDGETARY REQUIREMENTS

For and in consideration of the time spent by the participants in the Mediation-Conciliation Conference, the assigned Conciliation Officer, documenter, and representatives from the other Committees shall be afforded per diems according to the provisions of the Code of Good Governance and Ethical Standards at standard rates approved by the Board of Directors for every Mediation-Conciliation Conference or continuance of such scheduled conference with a maximum of three (3) sessions only per case.

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XVIII. MONITORING AND EVALUATION

The Mediation and Conciliation Committee shall submit a semi-annual written report to CDA on the status of Conciliation and Mediation within fifteen (15) days after the end of every semester. This report shall cover information regarding common issues of disputes, monthly account of complaints received, number of mediated cases, report of outcomes and referrals and an assessment of client satisfaction with the process.

XIX. SEPARABILITY CLAUSE

If for any reason/s, any portion or provision of these Guidelines shall be held unconstitutional or invalid, all other parts or provisions not affected shall remain in full force and effect.

XX. EFFECTIVITY

These Guidelines shall take effect after approval by the OMSMPC Board of Directors and the General Assembly upon presentation of the Mediation and Conciliation Committee.