

Best Legal Practices in Disciplining or Terminating an Employee

Overview

Labor complaints can directly impact and even bring down a business. In some cases, these labor lawsuits can even make a professional manager personally liable with the company or business owner. It is, thus, crucial that entrepreneurs and professional managers learn and apply best legal practices to guide and protect their businesses and companies from these labor complaints.

Objectives

- * The primary aim of the seminar is to teach and impart best legal practices on labor laws to help entrepreneurs and professional managers in properly approaching and dealing with labor-related issues with focus on disciplinary actions, including termination.

Who Should Participate

- * The seminar is designed for entrepreneurs and professional managers who are keen on learning best legal practices to protect their businesses and companies from labor complaints.

Key Topics

- * A. Security of Employment
 1. 1987 Constitutional mandate on full protection to labor
 2. Labor laws, rules, and policies in favor of labor
- * B. Management Prerogative
 1. Right of the employer to discipline an employee
 2. Right of the employer to terminate an employee
- * C. Termination of Employment
 1. By the Employer
 2. By the Employee
- * D. Due Process
 1. Substantial Due Process
 - i. Just Causes
 - ii. Authorized Causes
 2. Procedural Due Process
 - i. 1st Written Notice
 - a. Personal service, preferred
 - b. Registered mail with return card
 - ii. Hearing/Opportunity to be Heard
 - a. Administrative Hearing
 - 1) Employee allowed to have a lawyer
 - 2) Process and documentation
 - b. When hearing not required: written reply by employee who already had the opportunity to be heard
 - iii. 2nd Written Notice
 - a. Personal service, preferred
 - b. Registered mail with return card

- * E. Labor Complaints
 1. Cause of Action
 - i. Illegal Dismissal
 - ii. Monetary Claims
 2. Consequences/Liabilities for both employer and concerned manager/s
 - i. Reinstatement
 - ii. When reinstatement not possible:
 - a. Doctrine of strained relations
 - b. Position abolished
 - iii. Separation pay if reinstatement not possible
 - iv. Payroll reinstatement
 3. Payment of monetary claims
 - i. Running backwages
 - ii. 3-year prescription when applicable
 4. Moral Damages
 5. Exemplary Damages
 6. Attorney's Fees
- * F. Rules and Principles in Labor Cases
 1. Burden of proof on the employer
 - i. To prove that dismissal was valid
 - ii. To prove that monetary claims were paid
 - iii. To prove that resignation was voluntary
- * G. Best Legal Practices: What employers and managers may do protect the business from labor complaints
 1. Require signed resume or curriculum vitae
 2. Complete company form
 3. Conduct background check
 4. Update company policies
 5. Re-evaluate employment contract
 6. Train Human Resource Staff
 7. Observe proper documentation and safekeeping of 201 files/employee records
 8. Design a flowchart on process for disciplinary actions, including the administrative hearing process
 9. Keep and use templates for 1st and 2nd written notices
 10. Document process for disciplinary action or termination
 11. Observe proper conduct when dealing with SENA and the Labor Arbitrator
 12. Be careful in writing company notice/s or press release/s related to ongoing labor complaint of an employee
 13. Consider and evaluate all factors when deciding whether to settle or not
 14. Execute and have the compromise agreement notarized when settlement has been agreed upon
- * H. Summary/Integration

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Time

- * 9:00 am - 4:00 pm

Venue

- * Unit 201 Richbelt Tower,
17 Annapolis St.,
Greenhills, San Juan City,
Metro Manila

Schedule

- * Please check our website, or you may call any of our customer representatives.
- * Schedule may change without prior notice. Please call to confirm. BusinessCoach, Inc. is not liable for any expense incurred by seminar registrant resulting from cancellation of any of our events.

Seminar Fee

- * Php 3,000.00 per person (inclusive of snacks, lunch, seminar kit, handouts, certificate of attendance)

Discount

- * 10% Discount if FULL AMOUNT is paid at least five (5) banking days before the event.

Reservation

- * Please call to register, or use the registration form below. Kindly fill-out, and send to us through fax (727.8860 or 727.5628) or email. You will receive a confirmation within 48 hours.

Mode of Payment

- * Deposit payment at Banco de Oro, Savings Account Name: BusinessCoach, Inc. Then kindly fax or email deposit slip (indicate name of participant and seminar title) to confirm reservation.
- * On-site payment (CASH only)
- * Company checks are accepted, provided that they are received at least five (5) banking days before the event.

Register Now! (limited slots available)

Seminar Title _____

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(You may use a separate sheet for additional registrations)

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