

Company Policies, Employment Contracts, Independent or Outsourcing Agreements

Objectives

The primary aim of the seminar is to train entrepreneurs and professional managers on how to properly draft company policies, employment contracts, and independent/outsourcing agreements to protect their businesses from labor complaints. Further, best legal practices will be taught to provide them with the legal knowledge, skills, and techniques on how to best apply labor laws in their companies.

Who Should Participate

- * The seminar is designed for entrepreneurs and professional managers who are keen on improving their legal knowledge and skills on labor laws, as well as those who want to learn best legal practices to protect their businesses and companies from labor complaints and liabilities.

Key Topics

*A. Labor Laws and Employment Contracts

1. Rule: When in doubt, all labor laws and employment contracts are construed in favor of the safety and decent living of the laborer.

*B. General rules on contract drafting

1. Keep it simple and short.
2. Clearly stipulate intentions (whereas clauses)
3. Principle of adhesion: contracts interpreted against those who drafted it
4. Important clauses in company policies, employment contracts, and independent/outsourcing agreements

*C. Company Policies

1. Working Conditions
 - i. 8-hour workday rule
 - a. Flexible work arrangement
 - b. Compressed workweek
 - ii. 6-day a week rule
 - iii. 60-minute regular meal period
 - iv. Compensable working time
 - v. Lectures, meetings, trainings
2. Statutory Monetary Benefits
 - i. Minimum wage
 - ii. Holiday pay
 - iii. Premium pay
 - iv. Overtime pay
 - v. Night shift pay
 - vi. Service charge
 - vii. Service incentive leave
 - viii. Maternity leave
 - ix. Paternity leave
 - x. Parental leave
 - xi. Leave for VAWC
 - xii. Special leave for women
 - xiii. 13th month pay
 - xiv. Separation pay
 - xv. Retirement pay
 - xvi. ECC benefits
 - xvii. Philhealth benefits
 - xviii. SSS benefits
3. Promotions/Internal Hiring
 - i. Performance reviews
 - ii. Mechanisms for internal hiring

4. Disciplinary Actions

- i. Substantive due process
 - a. Just Causes/Company Violations
 - b. Authorized Causes
- ii. Procedural due process
 - a. 1st Written Notice
 - b. Opportunity to be Heard
 - c. 2nd Written Notice

*D. Employment Contracts

1. In general:
 - i. Failure to comply with the requirements: Employee becomes a regular employee entitled to benefits and monetary claims, employer liable for illegal dismissal/backwages/reinstatement/separation pay, etc.
2. Regular Employment
 - i. Requirements
 - a. Performs activities which are necessary or desirable
 - ii. Who are deemed regular employees for failure of employer to follow labor laws?
3. Probationary Employment
 - i. Requirements:
 - a. Probationary period: Maximum 6 months
 - b. Standards/Criteria
 - c. Grounds for termination: Just Causes and Failure to Pass Standards/Criteria
4. Casual Employment
 - i. Requirements:
 - a. Incidental functions and responsibilities
 - b. Limited time of employment
 - c. 1-year rule: regular employee
5. Project Employment
 - i. Requirements:
 - a. Fixed project/undertaking and made known to employee
 - b. Completion/Termination of project determined
6. Seasonal Employment
 - i. Requirements:
 - a. Work is seasonal in nature
 - b. For duration of season which is determined
7. Fixed-Term Employment
 - i. Requirements:
 - a. Employment for a particular duration
 - b. Rules on contract followed

*E. Independent/Outsourcing Agreements

1. Legitimate Job Contracting (Contracting Out)
2. Clearly state independent contracting/outsourcing arrangement (whereas clauses)
3. Specify fees/project costs, not wage
4. Itemize scope of works and details of the project
5. No employer-employee relationship clause
6. Require performance bond, if warranted
7. Jurisdiction in case of controversy

*F. 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)
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Register Now! (limited slots available)

Seminar Title _____

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(You may use a separate sheet for additional registrations)

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