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# LEGAL BEST PRACTICES IN CRAFTING YOUR HR CODE OF DISCIPLINE

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9:00 am to 5:00 pm, Friday, December 7, 2018  
Manila Marriott Hotel, Pasay City, Philippines

## COURSE OUTLINE

- I. Concept of discipline
- II. What to consider in implementing disciplinary policies:
  - a. Rights of employees
  - b. Rights of employers to enforce discipline
  - c. Lawful rules and regulations
  - d. Manner of enforcement
- III. Constitutional bases of worker's rights
- IV. Legal bases of employer's prerogative to enforce discipline
- V. Characteristics of legally acceptable code of discipline
- VI. Specific disciplinary rules and legal concept of offenses with citation of the relevant laws:
  - a. Theft
  - b. Fraud
  - c. Misconduct
  - d. Falsification
  - e. Bodily harm
  - f. Sexual harassment
  - g. Insubordination
  - h. Habitual violation
  - i. Breach of trust
  - j. Gross and habitual neglect of duty
  - k. Loss of company property
  - l. Poor performance
  - m. Incompetence
  - n. Inefficiency
  - o. Abandonment
  - p. Unauthorized absences
  - q. Commission of a crime
  - r. Drug use (mandatory drug testing vs. right to privacy)
  - s. Unauthorized access to Facebook, Yahoo, Twitter and other Social Networking sites
  - t. Maligning company, its employees or officers in social media
  - u. Etc.
- VII. Crafting Code of Discipline
  - a. Guidelines
    - i. Proportionality rule
    - ii. Graduated penalty
    - iii. Fairness
  - b. What to avoid
    - i. Harsh penalty
    - ii. Erroneous procedure
  - c. What to emphasize
- VIII. Enforcement of the Code of Discipline
  - a. How To Set Up a Discipline Committee
    - Composition
      - PermanentAd
      - Hoc
    - Procedures
    - Best Practices Techniques
  - b. Communication

- c. Documentation
    - i. Receiving copy
    - ii. Undertaking of receipt of copy
  - d. Taking disciplinary action
    - i. Non-dismissible offense
      - 1. Procedural due process
    - ii. Dismissible offenses
      - 1. Procedural due process
      - 2. Setting up hearing/conference
        - Minutes
        - Attendance sheet
        - Recorder
      - Notices to hearing, etc.
  - e. Implementing decision
    - i. Final notice of dismissal
    - ii. Notice of penalty not constituting dismissal
  - f. Repeat offenders
    - i. Provision on habitual violation
    - ii. Frequency of commission involving minor offenses
  - g. Effect of more lenient enforcement of the Code of Discipline
    - i. Positive discipline
    - ii. Observation period
  - h. What to Ask and How To Ask the Right Questions
  - i. Setting up grievance procedure
    - i. Agreement with employees on prior resort to grievance
- IX. Amending the Code of Discipline
- a. Documenting amendments
  - b. Communicating amendments
  - c. Enforcing the amended provisions
- X. Do's and Don'ts and other valuable insights in lawsuit-proofing your code of discipline

**Center for Global Best Practices**

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