

LEGAL BEST PRACTICES IN CRAFTING YOUR HR CODE OF DISCIPLINE

9:00 am to 5:00 pm, Friday, December 7, 2018
EDSA Shangri-La Hotel, Mandaluyong 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
 - Permanent
 - Ad 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
 - 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

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