Chapter 1

Unit 1

Pretest

1. What do you understand about labor?

- Labor is the amount of physical, mental, and social effort used to produce goods and services in an economy.

1. Are labor laws necessary? State your reason.

- It is important to understand this because not knowing the law is never going to be an excuse when you happen to violate one.

1. Are our labor laws biased in favor of labor and against capital? State your reason.

- The Labor Code is not one-sided. It is not meant to protect a sector to oppress another. All throughout the Code, the rights and responsibilities not only of employees but also of employers are recognized.

1. What do you understand abour agrarian reform?

- Basically, agrarian reforms are measures that aim at changing power relations. By abolishing large landed property and feudal production systems, the rural population should be appeased and integrated into society, and this would contribute to the political stability of the country.

1. Can a person own a land as much he wants? State your reason.

- Ownership over land is generally reserved for Filipino nationals and domestic corporations, at least 60 per cent of whose shares of stock are owned by Filipino nationals.

Post test

1. What is PD 442 and when was it effective?

- a decree instituting a labor code, thereby revising and consolidating labor and social laws to afford protection to labor, promote employment and human resources development and ensure industrial peace based on social justice.

1. What does labor standard mean?

- A labor standard is the amount of labor time that is expected for the completion of a task.

1. What guarantee does the state have on labor?

- The State shall protect labor, promote full employment, provide equal work opportunity regardless of gender, race, or creed; and regulate employee-employer relations.

1. In the interpretation and implementation of lavor laws, must doubt always favor labor?

- Article 4 of the Labor Code provides that all doubts in the implementation and interpretation of the provisions of this Code, including its implementing rules and regulations, shall be resolved in favor of labor and Article 1702 of the Civil Code provides that in case of doubt, all labor legislation and all labor

1. Who are qualified as farmer beneficiaries under the agrarian law of the Philippines?

- RA 6657 lists down qualified CARP beneficiaries in order of priority: (1) agricultural lessees and share tenants; (2) regular farmworkers; (3) seasonal farmworkers; (4) other farmworkers; (5) actual tillers/occupants of public lands; (6) collectives/cooperatives of the above beneficiaries;

Unit 2

Pre- test

1. What do you understand about recruitment?

- Recruitment is the process of actively seeking out, finding and hiring candidates for a specific position or job.

1. What do you understand about placement?

- In very simple words placement means sending the newly employed person to some department for work.

1. May a Filipino worker apply directly with a prospective foreign employer?

- They may have been directly contacted by a foreign employer by referral or have directly applied to their company.

1. What do you know about POEA?

- POEA connects to the world and in partnership with all stakeholders, facilitates the generation and preservation of decent jobs for Filipino migrant workers, promotes their protection and advocates their smooth reintegration into Philippine society.

1. What do you know about OWWA?

- The Overseas Workers Welfare Administration (OWWA) is an attached agency of the Department of Labor and Employment (DOLE) and a membership institution. It protects and promotes the welfare of Overseas Filipino Workers (OFWs) and their dependents.

Post test

1. In terms of local and overseas employment, what does RA 8042 emphasize?

- RA 8042 Migrant Workers and Overseas Filipinos Act. An act to institute the policies of overseas employment and establish a higher standard of protection and promotion of the welfare of migrant workers, their families and overseas Filipinos in distress, and for other purposes.

1. How does the secretary of labor exercise his/her power and authority?

- The Secretary of Labor shall have the power to restrict and regulate the recruitment and placement activities of all agencies within the coverage of this Title and is hereby authorized to issue orders and promulgate rules and regulations to carry out the objectives and implement the provisions of this Title. ART.

1. What is the function of the National Labor Relation Commission?

- The National Labor Relations Commission is a quasi-judicial body tasked to promote and maintain industrial peace by resolving labor and management disputes involving both local and overseas workers through compulsory arbitration and alternative modes of dispute resolution.

1. What is the purpose of creating the POEA?

- POEA connects to the world and in partnership with all stakeholders, facilitates the generation and preservation of decent jobs for Filipino migrant workers, promotes their protection and advocates their smooth reintegration into Philippine society.

1. Why is the OWWA created by law?

- The OWWA Fund can only be used for the purposes for which it was created, that is, to serve the welfare of member-OFWs and their families which shall include the financing of core programs and services of the OWWA.

Unit 3

Pretest

1. What do you understand about recruitment and placement services?

- Recruitment and placement” refers to any act of canvassing, enlisting, contracting, transporting, utilizing, hiring or procuring workers, and includes referrals, contract services, promising or advertising for employment, locally or abroad, whether for profit or not

1. Can any person engage in the business of private recruitment? State your reason.

- Private recruitment. - Except as provided in Chapter II of this Title, no person or entity other than the public employment offices, shall engage in the recruitment and placement of workers.

1. May a Filipino worker apply directly with a prospective foreign employer?

- They may have been directly contacted by a foreign employer by referral or have directly applied to their company.

1. What you understand about illegal recruitment?

- Illegal recruitment is deemed committed by a syndicate carried out by a group of three (3) or more persons conspiring or confederating with one another.

1. Who can be liable for illegal recruitment?

- It is deemed committed in large scale if committed against three (3) or more persons individually or as a group. The persons criminally liable for the above offenses are the principals, accomplices and accessories.

Post test

1. Give the distinction between a license and an authority.

- is that license is (label) a legal document giving official permission to do something; a permit while authority is (label) the power to enforce rules or give orders.

1. Mention the qualification to engage in private recruitment and placement agency.

- Only Filipino citizens or corporations, partnerships or entities at least seventy-five percent (75%) of the authorized and voting capital stock of which is owned and controlled by Filipino Citizens shall be permitted to participate in the recruitment and placement of workers, locally or overseas.

1. Who are disqualified to engage in private recruitment and placement agency?

- Except as provided in Chapter II of this Title, no person or entity other than the public employment offices, shall engage in the recruitment and placement of workers.

1. When can illegal recruitment be deemed an economic sabotage?

- Illegal recruitment is considered as economic sabotage if it is carried out by a group of three (3) or more persons conspiring or confederating with one another or it is committed against three (3) or more persons individually or as a group.

1. I am a overseas Filipino worker duly recruited by a licensed recruitment agency should my employer fail to pay my salaries, would the recruitment agency be liable for payment of my unpaid salaries? State you reason

- No employer may hire a Filipino worker for overseas employment except through the Boards and entities authorized by the Secretary of Labor.

Unit 4

Pretest

1. who is alien? What is the difference between a resident and a non-resident alien?

- Generally, an alien who is present in the Philippines for at least 2 years is a resident alien. An alien who stays in the Philippines for less than 2 years is considered a non-resident alien.

1. Can an alien be employed in the Philippines? State your reason

- An Alien Employment Permit (AEP) is required for foreign nationals who want to work in the Philippines for more than 6 months. It is granted only if it can be established that the job requires skills that are not available locally.

1. What do you know about TESDA?

- The Technical Education and Skills Development Authority (TESDA) is the government agency tasked to manage and supervise technical education and skills development (TESD) in the Philippines.

1. Who are considered special workers?

- Special employee means an Employee whose regularly scheduled paid work week does not exceed 20 hours, or whose employment is classified as “temporary” or “intermittent,” both in accordance with uniformly applied personnel policies.

1. Can a handicapped be eligible for work?

- Apprenticeship : Subject to the provision of the Labor Code as amended, disabled persons shall be eligible as apprentices or learners; Provided, That their handicap is not much as to effectively impede the performance of job operations in the particular occupation for which they are hired

Post test

1. If I am an alien seeking employment in the Philippines. What are the requirements. I have to obtain in order to work legally in the country? Are there exemptions? If there are, enumerate at least three.

A Notarized Certification of Number of Foreign and Filipino Employees of the employer; Application form; Photocopy of employment contract, Securities and Exchange Commission (SEC) certification, and Articles of Incorporation (AOI); A certified true copy of AEP from DOLE;

1. John Keogh an American got his permit for employment in the Manila , Philippines but because he has not established a good relationship with his employer, he sought employment in Cebu City and finally got a new employer. Is his employment legal? State you reason

-Yes, his employment is legal, because he already sought employment in Cebu.

1. What are some goals of TESDA? Enumerate at least 3

-Its goals are to develop the Filipino workforce with "world-class competence and positive work values" and to provide quality technical-educational and skills development through its direction, policies, and programs.

1. State a condition where there can be no employer-employee relationship in the apprenticeship agreement and if ever there is what grounds may it be terminated?

- In cases of regular employment, the employer shall not terminate the services of an employee except for a just cause or when authorized by this Title. An employee who is unjustly dismissed from work shall be entitled to reinstatement without loss of seniority rights and other privileges and to his full backwages, inclusive of allowances, and to his other benefits or their monetary equivalent computed from the time his compensation was withheld from him up to the time of his actual reinstatement. (As amended by Section 34, Republic Act No. 6715, March 21, 1989)

1. Mr. Tan, a graduating student of XX University was employed as an apprentice in TMX Corporation a private entity, without compensation. Can Mr. Tan apprenticeship be allowed by law? State your reason.

-For me no, because he is employed as an apprentice not a leader.

Unit 5

Pretest

1. What do you understand about hours of work?

- any of the hours of a day during which work is done

1. Distinguish an employer from an employee.

- An employee is a person who works/offers services at an organization in return for a specific payment. An employer is a person who hires employees for an organization and offers them compensation (monetary and other benefits). The main goal is to work and build a strong professional portfolio and earn a good salary.

1. What do you understand about an employer-employee relationship?

- An employer/employee relationship, then, is the way an employer (either an individual or an entity) and employees view and treat one another in a work setting. From the moment a person signs his or her employment contract, a relationship starts to develop between that employee and their employer.

1. When does an employer-employee relationship exist?

- Under the control test, an employer-employee relationship exists where the person for whom the services are performed reserves the right to control not only the end achieved, but also the manner and means to be used in reaching that end.

1. Is travel time considered work time?

- As for travel time, travel from home to office and vice-versa is not compensable. However, travel away from home on official duty is considered as compensable.

Post test

1. How are night shift differential and overtime work compensated?

- An employee is entitled to extra pay for work rendered anytime between 10 p.m. and 6 a.m. Called the “night shift differential,” this is equivalent to 10% of the employee's hourly pay, and is given for every hour worked between 10 p.m. and 6 a.m.

1. Ms. Mitha Go was required by her employer to render 8 hour work to go off at 5:00 p.m. during a certain holidays, but because the work is not finished and may result to employers loss,she was required again to extend up to 12 midnight. What is the effect of Ms. Go work to her entire compensation?

-Plus 30% of the hourly rate for work performed in excess of 8 hours on rest day, special day or regular holiday.

1. Ms.Guina Dogmoc reported 1.5 hours short of her daily work but extended the same hours after her regular daily work duty. If you are the employer, how will you deal with Ms.Dogmoc’s work rendered that day in terms of compensations?

- Judge it based on the work done and by the laws

1. Mr.Lino was an electrician and taking a lunch break starting at 12:00 when suddenly he was called by his employer Mr.Kenny Lao at 12:15 to fix the electrical circuits emitting with smoke at the managers office .without a minute, Mr. Gaw refused because he is entitled to a lunch of 1 hour. Is Mr.Gaw correct to refuse the call?
2. The RST Company has Dr.Kinumo Tan , a company physician on call and whose clinic is within its premises. Dr. Tan went on lunch break at 12:00 with most of the employees in a usual place outside the premises. Upon Tan’s return before 1:00 pm to his clinic, his employer bullied and was very mad at him because it cost the company to send a certqin employee to a hospital without Tan’s medical assistance and services during the lunch break. The following da he received a termination notice of his services,effective immediately upon receipt. Is the employer of Tan correct?Why?

Unit 6.

1. is an employee entitled to a rest day?

- Labor Code provides that every employer must provide each of his employees a rest period of not less than twenty-four (24) consecutive hours after every six (6) consecutive normal work days. Rest day may not automatically be a Sunday.

2. Explain whether or not an employee has the preference for a weekly rest day, and its exception, if any.

* + Right to weekly rest day. It shall be the duty of every employer, whether operating for profit or not, to provide each of his employees a rest period of not less than twenty-four (24) consecutive hours after every six (6) consecutive normal work days

3. Can an employee demand a particular schedule from his/her employer of his weekly rest day due to reason of his religion?

* + The employer is mandated to respect the choice of his employee as to their rest day based on religion. But the employee must make known his preference in writing at least seven (7) days before the desired effectivity of the initial rest day so preferred.

4.How is an employee paid in cases of double holidays and successive holidays?

* + In case of 2 successive regular holidays, like Maundy Thursday and Good Friday, an employee may not be paid for both holidays, if absent from work on the day immediately preceding the first holiday, unless he works on the first holiday, in which case he is entitled to holiday pay

5.Name the regular and special holidays recognized by law that you know?

-Regular holidays are those that usually have a fixed date, such as New Year's Day, Independence Day, and Christmas Day. The only exceptions to this rule are National Heroes Day and the religious holidays of Maundy Thursday, Good Friday, Eid'l Fitr, and Eidul Adha.

Post-test

1. Can the refusal for promotion a ground for insubordination

- An employee is not bound to accept a promotion because it is in the nature of a gift or reward. It is a valid exercise of a right, and refusal to accept promotion cannot be considered in law as insubordination, or willful disobedience of a lawful order of the employer.

2. When can an employee claim for a maternity leave and paternity leave?

* + You can avail of paternity leave benefits if you meet these conditions: Employed at the time of childbirth. Have a wife who's pregnant, has given birth, or has had a miscarriage. The pregnancy, childbirth, or miscarriage has not happened for more than four times.

1. Differentiate a parental leave from a battered woman leave

- parental leave, employee benefit that provides job-protected leave from employment to care for a child following its birth or adoption. It is usually available to both mothers and fathers. Women employees who are victims as defined in Republic Act No. 9262, otherwise knows as the Anti-Violence Against Women and Their Children Law, are entitled to a leave of up to ten (10) days with full pay.

4. If you are a married male employee whose wille will be giving birth to your first child what paid leave should you apply for? if your wife is also an employee at the time of giving birth, may your wife also avail of a paid leave?

- Parental leave , yes

5. Your employer scheduled you to work on an Eidul-Fitr, which happens to be National Heroes Day too, if you work, how much additional compensation would you be entitled to? If you do not work on those holidays would you still be end to additional compensation? Explain

-If the employee did not work, he/she shall be paid 100% of his/her salary for days indicated [(Basic wage + COLA) x 100%], while for work done during the regular holiday, the employee shall be paid 200% of his/her regular salary for the first eight hours [(Basic wage + COLA) x 200%].

Unit 7

Pretest

1. What do you understand about wage?

- payment usually of money for labor or services usually according to contract and on an hourly, daily, or piecework basis

1. "No work means no pay, is this atnolute? Explain your answer

-The principle of no-work, no pay is the basic factor in determining employee wages. This is based on the age-old rule of “a fair day's wage for a fair day's work.” If the employee is ready, willing, and able to do work, but is prevented form working, he is paid.

1. What do you understand about minimum wage? Can t be reduced on the ground that the company's income is not enough to pay for it

- The purpose of minimum wages is to protect workers against unduly low pay. They help ensure a just and equitable share of the fruits of progress to all, and a minimum living wage to all who are employed and in need of such protection.

1. Can an employee demand for a bonus?

- It is a privilege, not a right, to receive a bonus. An employee cannot demand to his employer to give him a bonus every time he does a great job. It is part of an employee's job to do his best, and deliver satisfactory work.

1. Name some benefits that you know that are granted by law tan employer.

- The benefits given by SSS are for sickness, maternity, disability, retirement benefit (pension), death cash grant, funeral grant, and salary loan.

Post test

1. RST Corporation, thru Ms. Macca Sungot called a meeting with all the company's workers and declared that it cannot pay them the minimum wage as required by law because its income is not enough to pay them. What is this minimum wage? is RST Corporation correct? State your reason.

- When it comes to wages, employees in the Philippines must be paid no less than the minimum wage imposed by the applicable Regional Tripartite Wages and Productivity Board (or the Regional Wage Boards) in their respective regions.

1. In relation to the declaration of the company in problem 9.1 above, how can it be exempt from implementing the payment of minimum wage to its workers?

- by having serious problem

1. ABC Company has 35 workers, which year-end net income was decreased by 5% because of the super typhoon Odette. As a consequence, it decided to reduce the wages of the workers at the rate of 5% starting January of the next year, to maintain sustainability of the company's operation and to avoid layoffs of workers. Is the decision of the company correct? Explain your answer.

- Yes

1. Your company made it a practice to pay the employees with grocery slip payable to the biggest grocery store in town as a form of payment. Is the company practice valid? if it is not, what is the valid form of payment?

-No the valid form is to pay them in cash

1. The workers filed a complaint against their employer for frequent delayed payment of their wages. Although there were few times when the payment was made in 12 days interval but mostly in no less than 18 days interval. Will the complaint prosper? Why?

- yes because the payment should be done by the right time and by the right amount.

Unit 8

Pretest

1. What do you understand about a contractor? When is a contractor condered independent?

- An independent contractor is an individual (not an entity) who offers his/her talent or expertise in the form of services for and in consideration of professional fee, without entering into an employment contract with the one hiring, who is not an employer.

1. What do you understand about labor-only contracting?

- Labor-only contracting refers to arrangement where the contractor or subcontractor merely recruits, supplies or places workers to perform a job or work for a principal.

1. What do you understand about wage distortion?

- Wage “distortion” occurs when the usual differentials in wage rates between groups of employees in an establishment are drastically reduced or eliminated due to mandated wage increases.

1. Can the employer made deductions from the salary of an employee?

- Your employer cannot deduct more than 50% of your total salary payable in any one salary period. This does not include deductions made for: Absence from work. Recovery of advances, loans, overpaid salary or unearned employment benefits.

1. Can the employer induce contributions from his employees every pay day to enhance their social acquaintances at work? State your reason.

- No, both side should be professional in dealing towards work.

Post-test

1. You are a contractor hired by a private educational institution to construct their new school building. However, because of the ongoing economic crisis and other financal constraints experienced by your company, you were not able to pay the salary of your workers. Who can be held liable to pay for your workers salary? State your reason
2. In the same problem in 9.1 above, does an employer-employee relationship exist between the private educational institution and your construction workers? Explain your answer.
3. What are the allowable and authorized deductions from the salary of an employee under the Labor Code?
4. When can a deposit and a deduction from a be allowed for loss or damage of company's facilities?
5. Discuss the power of the Regional Director of the Department of Labor and Employment under the Labor Code.