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2: Bill Text - AB Workersâ€™™ compensation: permanent disability apportionment.

59th edition of the Comprehensive California Labor Law Digest helps companies can take the right steps toward compliance and significantly reduces risk of fines by referencing the plain-language employment law information.

Petitioner is a union of supervisory employees. It appears that on March 20, the union filed a petition for certification election on behalf of the route managers at Pepsi-Cola Products Philippines, Inc. However, its petition was denied by the med-arbiter and, on appeal, by the Secretary of Labor and Employment, on the ground that the route managers are managerial employees and, therefore, ineligible for union membership under the first sentence of Art. Ineligibility of managerial employees to join any labor organization; right of supervisory employees. Supervisory employees shall not be eligible for membership in a labor organization of the rank-and-file employees but may join, assist or form separate labor organizations of their own. Petitioner filed a motion for reconsideration, pressing for resolution its contention that the first sentence of Art. The right of the people, including those employed in the public and private sectors, to form unions, associations, or societies for purposes not contrary to law shall not be abridged. III, 8 of the Constitution. The route managers cannot thus possibly be classified as mere supervisors because their work does not only involve, but goes far beyond, the simple direction or supervision of operating employees to accomplish objectives set by those above them. They are not mere functionaries with simple oversight functions but business administrators in their own right. Certainly, the route managers in this case more than merely recommend effective management action. They perform operational, human resource, financial and marketing functions for the company, all of which involve the laying down of operating policies for themselves and their teams The term "manager" generally refers to "anyone who is responsible for subordinates and other organizational resources. The lowest level in an organization at which individuals are responsible for the work of others is called first-line or first-level management. Middle managers direct the activities of other managers and sometimes also those of operating employees. Composed of a comparatively small group of executives, top management is responsible for the overall management of the organization. Pepsi-Cola Products Philippines, Inc. The real intent of Art. The Commission intended the absolute right to organize of government workers, supervisory employees, and security guards to be constitutionally guaranteed. By implication, no similar absolute constitutional right to organize for labor purposes should be deemed to have been granted to top-level and middle managers. Nor is the guarantee of organizational right in Art. The right guaranteed in Art. Augusto Sanchez, this Court elaborated on this rationale, thus: The rationale for this inhibition has been stated to be, because if these managerial employees would belong to or be affiliated with a Union, the latter might not be assured of their loyalty to the Union in view of evident conflict of interests. The Union can also become company-dominated with the presence of managerial employees in Union membership. IRRI enjoy s immunities accorded to international organizations, which determination has been held to be a political question conclusive upon the Courts in order not to embarrass a political department of Government. The grant of immunity from local jurisdiction to. The objective is to avoid the danger of partiality and interference by the host country in their internal workings. The exercise of jurisdiction by the Department of Labor in these instances would defeat the very purpose of immunity, which is to shield the affairs of international organizations, in accordance with international practice, from political pressure or control by the host country to the prejudice of member States of the organization, and to ensure the unhampered the performance of their functions. On the matter of waiving its immunity from suit, IRRI had, early on, made its position clear. Through counsel, the Institute wrote the Labor Arbiter categorically informing him that the Institute will not waive its diplomatic immunity. The memorandum cannot, by any stretch of the imagination, be considered the express waiver by the Director-General, issued by the former Director-General to a now-defunct division of the IRRI, was meant for internal circulation and not as a pledge of waiver in all cases arising from dismissal of employees. Furthermore, petitioner was not deprived of due process since he was informed and given a chance to refute the charges and findings. Under the Industrial Peace Act, 1 government-owned or controlled corporations had the duty to bargain collectively and were otherwise subject to the obligations and duties of employers in the

private sector. The agreement contained a "maintenance-of-membership" clause. The petitioners occupied supervisory positions in the GSIS. Demands were made on all four of them to resign from the GSIS Employees Association, in view of their supervisory positions. They refused to do so. Consequently, two criminal cases for violation of the Industrial Peace Act were lodged against them in the City Court of Cebu: Which resulted to their conviction. They argued that when the so called " Constitution" took effect on January 17, pursuant to Proclamation No. The Labor Code PD allowed supervisors if not managerial to join rank-and-file unions. And under the Implementing Rules of RA , supervisors who were members of existing labor organizations on the effectivity of said RA were explicitly authorized to "remain therein. The repeal of a penal law deprives the courts of jurisdiction to punish persons charged with a violation of the old penal law prior to its repeal Recommended.

3: California Labor Tour: - [PDF Document]

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8: Employment Posters – Available at the Chamber | Ventura Chamber of Commerce

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