

OPINION

Resigned worker wants school records back

Three months after resigning, a former employee e-mailed us requesting the return of the original copy of his university transcript of records. He claims he paid for and owns the document. He says he's merely lending it to the company to support his application. Unfortunately, we don't have a formal human resource (HR) policy on school records. But we don't want to give it back as we believe it's part of the reason he was employed in the first place. Any advice? — Lone Ranger.

IN THE WORKPLACE
REY ELBOELBONOMICS:
Your decision must be based on logic, not fear of the un-

Steve Jobs was right when he said: "Simple can be harder than complex. You have to work hard to get your thinking clean to make it simple." So, how do you think clean? By asking yourself the following simple questions: What would happen if you return a former employee's scholastic records, including an original copy of his birth certificate, among other pre-employment documents?

Why complicate things? If you want to protect the integrity of your hiring process, then you can release the original of the requested document, but only if the employee signs a receipt that he has received the original copy. This simple solution avoids unnecessary friction.

Don't burn bridges with former workers, regardless of the circumstances of his separation from employment. The issue has become insignificant after the termination of your work relationship with the employee. What's the use of retaining the original copy of a former worker's school records?

Don't be petty. Don't sweat the small stuff. Just the same, I'd like to give you a balanced view and reasons why you should not return the original copy of the resigned worker's scholastic record. It's all about the workers' money claims against an employer.

Article 306 (291) of the Labor Code says any claims for damages, unpaid wages or allowances, etc. must be filed by an employee "within three years from the time the cause of action accrued; otherwise (sic) they shall be forever barred." In case of an illegal dismissal, this law is supplemented by Article 1146 (1) of the Civil Code when it extends the filing of money claims to four years.

This means management and the HR department must retain all documents pertaining to the previous employment of a worker, regardless of the perceived validity of the quit claim that he signed upon the release of his terminal pay.

You don't know what will happen in the future. Therefore, be safe than sorry.

HR POLICY

One more thing. You're citing the absence of a formal management policy in rejecting the former employee's request. Of course, it's important to be guided by a written policy. However, in the absence of an HR policy,

you have to look into applicable provisions of the Labor Code, Civil Code or other pertinent laws.

Just the same, you don't have to be legalistic. You must decide based on what's fair under the circumstances. If you're in HR, you should be the first person to anticipate possible future action by a resigned worker. You can do so largely by understanding the person's behavior while he was employed.

Is he the kind of person who could file an unwarranted action against your organization? Review his personnel records. Interview his former boss to discover other possible motives. Most of the time, what's needed is a truckload of common sense to make a sound decision.

You can't write a formal policy to cover all employee issues in the future. You can only rely on understanding the letter and spirit of all motherhood statements that are enshrined in your company mission, vision and values.

DYNAMIC DECISION

At some point, we all have to make a dynamic decision based on what we perceive to be the right thing to do. It all depends on the length and depth of your experience in people management. Your description of the situation with the former employee is a case in point.

How you manage this situation would determine the kind of logic and principles you practice in life. To many people, weighing the pros and cons is complex, and the decision could set a precedent for the future. Sometimes, a legally correct decision might not pass the scrutiny when viewed through the lens of morality. It is this fine line that people managers face all the time.

If you're in management, you can't avoid making the dynamic decision required under the circumstances, no matter how risky it may appear to be. Whatever the decision, you must consider the legal and moral angles, with the help of other managers similarly situated.

Join REY ELBO's Non-Competitive Benchmarking Forum on Managing Attrition. This public event to be held on May 26, 2023 at Dusit Thani Hotel gives enough opportunity for all participating companies to distill the best possible tools and techniques in reducing their employee turnover. For details, chat with him on Facebook, LinkedIn, Twitter or e-mail elbonomics@gmail.com or via <https://reyelbo.com>.



Hurdles to unionization seen denying workers needed protections

THE obstacles being thrown in front of workers seeking to unionize have had the effect of denying employees the protections they are entitled to, the Federation of Free Workers (FFW) said.

"The first and most alarming form of discrimination is the harassment, termination and even killing or abduction of workers who attempt to organize unions," Jose G. Matula, president of the FFW, said in a statement.

"Many of these workers are red-tagged as communists or terrorists, creating a climate of fear that stifles their right to advocate for better working conditions and fair treatment."

The FFW said the government should also ensure that contractual workers' right to security of tenure is upheld. It floated the idea of passing

a security of tenure law for workers in both the private and public sectors.

The FFW was observing International Workers Memorial Day for the Dead and Injured Workers, set to be celebrated on April 28, and ahead of Labor Day on May 1.

"In light of these issues, the FFW is calling on the government to take decisive action against all forms of discrimination against workers," Mr. Matula said.

"The organization will continue to advocate for workers' rights and urges the public to join them in the fight for a more inclusive, equal, and just society."

A team of representatives from the International Labor Organization (ILO) met with trade unions and government agencies in January to discuss harassment and violence against labor.

Labor groups have said the Philippine government has consistently failed to comply with ILO conventions on freedom of association and the right to organize.

In a separate statement, the International Trade Union Confederation (ITUC) called on the government to look into cases of violence against trade union organizers and ensure their safety.

The ITUC issued the statement after a union paralegal of the Business Processing Outsourcing Industry Employees Network was reportedly stabbed to death in Bacolod City on Monday.

"We urge the government to address worker fears of the culture of impunity of state forces and ensure the safety and security of all workers and union organizers," it said. — **John Victor D. Ordoñez**

Canada calls public worker strike demands 'unaffordable'; Trudeau intervention sought

OTTAWA — The union representing some 155,000 striking Canadian public workers is making "unaffordable" demands, the Treasury Board of Canada said, while the union head accused the government of stalling.

"We will not sign agreements that the country cannot afford, nor ones that severely impact our ability to deliver services to Canadians," the Treasury Board, which oversees public administration, said in a statement.

The strike by federal government workers, represented by the Public Service Alliance of Canada, is affecting services ranging from tax returns to passport renewals.

Union President Chris Aylward called on Prime Minister Justin Trudeau to get involved in negotiations and give the Treasury Board a new mandate.

"He can either get involved personally and help settle this dispute or he can turn his back on the workers who are striking," Mr. Aylward told reporters on Parliament Hill. "We'll be out here for as long as it takes," he added, as workers around him cheered.

Mr. Aylward accused the government of stalling negotiations. On Wednesday the union said it was escalating strike action, blocking ports in Vancouver, Montreal and Saint

John's. Port authorities in Vancouver and Montreal said they were operating normally.

Speaking to reporters in Ottawa, Mr. Trudeau urged everyone at the bargaining table to negotiate in good faith. "Understanding the importance of defending the rights to collective bargaining, the rights people have to a job action — this is something that's really important for our government," he said.

"So, yes, it's frustrating to know that Canadians may, as the days come, have more difficulty accessing services, but that's a motivator for everyone to try and resolve this." — **Reuters**

Metro Pacific,
from SI/1

"Upon the successful delisting, MPIC intends to continue its business as currently conducted, particularly of owning and managing its portfolio of investments, as well as investing in other sectors of the economy, in the Philippines and other parts of Southeast Asia," the company said.

Under the tender offer, First Pacific, through Metro Pacific Holdings, Inc. (MPHI), will spend around \$90 million to increase its stake by as much as 3.8%, while GT Capital will pay \$70 million for an additional 2.9% stake.

MPHI currently has a 46.1% stake in MPIC, while GT Capital has a 17.1% stake.

Meanwhile, Mit-Pacific Infrastructure Holdings Corp. will buy up to 20% of MPIC. The joint venture of Mitsui and government-led Japan Overseas Infrastructure Investment Corp. for Transport & Urban Development will become a shareholder in MPIC for the first time.

MIG, a management investment group led by First Pacific Chief Executive Officer and MPIC Chairman Manuel V. Pangilinan, will acquire up to a 10% stake in MPIC.

To comply with voluntary delisting rules, the tendered shares should cover at least 95% of its total issued and outstanding capital stock.

"The Tender Offer Notice from the bidders states that it is their intention to delist MPIC from the PSE and as such, the bidders will not accept any Tendered Shares unless the threshold for voluntary delisting is achieved or an exemptive relief is obtained from the PSE," MPIC said.

Shareholders will have to vote on delisting from the PSE at MPIC's annual shareholder's meeting on June 6.

PRIVATIZATION

Globalinks Securities and Stocks, Inc. Head of Sales Trading Toby Allan C. Arce said the tender offer would not just allow minority shareholders to sell their shares at a premium, but also enable MPIC to bring in Mitsui as a strategic partner.

"The entry of Mitsui into MPIC as a strategic partner could bring significant benefits to the company. Mitsui, a multinational corporation based in Japan, has a diverse range of businesses and expertise in various sectors, including infrastructure, healthcare, and energy. Its entry into MPIC could potentially result in access to new technologies, expertise, and networks, which could help MPIC expand its businesses and improve its operational efficiency," Mr. Arce said in a Viber message.

Unicapital Securities, Inc. Senior Equity Research Analyst Carlos Angelo O. Temporal said that Mitsui's entry is "timely" given the market's current cheap valuation.

"Mitsui's expertise in global infrastructure business and its vast resources are expected to fortify MPIC's capacity and capability to take advantage of the country's energy transition while also providing support for the expansion of its other business segments," he said in a Viber message.

Mr. Temporal noted that the main benefit of privatization is that MPIC would be able "to pursue a more aggressive strategy which would prop up the company's long-term growth that would necessitate greater flexibility."

"The growing aggressiveness is quite evident from its recent acquisitions, stakes in Axelum Resources Corp. and SP New Energy Corp., among others, as the company aims to further diversify its portfolio outside infrastructure, betting on agriculture and renewables," Mr. Temporal said.

By going private, Mr. Arce noted MPIC management would have greater control of the company's direction without answering public shareholders.

"Public companies are often under pressure to deliver short-term results to meet quarterly earnings expectations. By going private, MPIC could take a longer-term view and make strategic investments without worrying about how they might impact quarterly earnings," Mr. Arce said.

However, the delisting could also have negative implications for the PSE and the investing public, said Mr. Arce.

"Minority shareholders who decide to sell their shares would have to accept the tender offer made by the major stockholders, which may not necessarily be the best value for their investments. This could result in decreased liquidity for the company's shares and reduce transparency for investors," he said.

"The delisting of a major company like MPIC could also have implications for the PSE as it could affect investor confidence in the exchange and the country's overall investment climate," he added.

MPIC sought a voluntary trading suspension on Thursday. MPIC shares closed at P4.26 on Wednesday.

MPIC is an infrastructure investment company with holdings in Manila Electric Co., Metro Pacific Tollways Corp., Maynilad Water Services, Inc., and Metro Pacific Health Corp., among others.

MPIC is one of three key Philippine units of First Pacific, the others being Philex Mining Corp. and PLDT Inc.

Hastings Holdings, Inc., a unit of PLDT Beneficial Trust Fund subsidiary MediaQuest Holdings, Inc., has a majority stake in *BusinessWorld* through the Philippine Star Group, which it controls.

CEBULANDMASTERS
We Build with You in Mind

ANNUAL
STOCKHOLDERS
MEETING
2023

NOTICE OF MEETING

Dear CLI Stockholders,

You are hereby notified that CEBU LANDMASTERS, INC. ("CLI") will hold its annual stockholders' meeting on 01 June 2023 starting at 9:30 in the morning. In keeping with prevailing health protocols discouraging mass gatherings, the meeting will be held through a hybrid of remote, through teleconferencing and/or video conferencing, and in-person in Citadines Cebu City, Base Line Center, Juana Osmeña St., Cebu City 6000 Philippines.

If you intend to join, please ensure you remain a CLI stockholder as of 20 April 2023, the record date for the meeting. Also, on this day, you may start sending your proxy forms and ballots to the Secretariat, which will continue to receive them until 25 May 2023, the deadline for their validation.

You may download the Information Statements, agenda, proxy forms, ballots, and other related materials for the meeting from the company website at <https://ir.cebulandmasters.com/investor-relations/stockholders-meeting/>

We will endeavor to send you the Zoom log-in details and dial-in numbers for this meeting within a few days after validating your proxy forms and ballots sent either to corporate.secretary@cebulandmasters.com or my office address below.

Sincerely,

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