

# Employers warned about not granting VAWC leave

THE Department of Labor and Employment threatened to sanction employers that do not approve leave applications of female victims of violence.

The Violence Against Women and Children (VAWC) law, or Republic Act 9242, grants female employees 10 days' leave after

having experienced physical, sexual, psychological, or economic violence.

Bureau of Working Conditions Director Alvin B. Curada said in an online seminar on Wednesday that employers refusing to grant VAWC leave could potentially face criminal, administrative, and civil action.

Refusal to grant the 10-day leave to victims carries penalties under both the Labor Code and Civil Service Rules and Regulations in the case of public organizations, he said.

Mr. Curada said female employees may apply for multiple VAWC leaves in a year if they face continu-

ous violence. He also emphasized that female employees, regardless of their length of service, are entitled to file for VAWC leave.

He clarified that VAWC leave is not convertible to cash if left unused.

Mr. Curada said VAWC victims must submit a barangay

certification to accompany any leave applications. He said employers may not demand additional requirements not indicated in the law.

Victims may also apply for a barangay protection order which "will prohibit the offenders from committing the

acts by preventing them from being around the women victims and their children." He added that the victims may also seek the help of the courts in issuing temporary and permanent protection orders against offenders. — **Jomel R. Paguian**

OPINION

## Compassionate workplace justice

**A 50-year-old department clerk, father of five children of school age, was caught by a newly assigned security guard bringing out of the office a small quantity of stationery. The offender, an average work performer, has been with the company for 15 years and has no prior record. Our policy considers this as qualified theft and grounds for dismissal. The chief executive officer (CEO) tasked the human resource (HR) manager to decide on the case, while the department head recommends a five-day suspension instead of termination. If you were the HR manager, what would you do? — Blue Mountain.**

Almost all religions preach compassion. But then, when confronted with an actual situation, most people would agonize about the right approach.

Psychologists have spent decades of research to understand the meaning of compassion and human suffering.

Emma Seppala, a director at The Center for Compassion and Altruism Research and Education at Stanford Medical School, says "human suffering is often

accompanied by beautiful acts of compassion by others wishing to relieve it." This is seen in the case of volunteers serving food at homeless shelters or in people who stop on the highway in the rain to help someone with a broken-down vehicle.

To some, acts of compassion (or empathy) are difficult to understand except to explain it as "an automatic mirroring of another's emotion." Therefore, if a stranger can volunteer to help another stranger in need, what more a person belonging to the same organization? This is where HR should perform a delicate balancing act.

This requires a fair and impersonal judgment of what is right, considering the interests of the offender-employee and those of the whole organization.

### ACT OF KINDNESS

If "survival of the fittest" describes people in a rat race, a contrary maxim calls for "survival of the kindest," which generates a lot of positive vibes in the workplace. Being kind is the most welcome as it generates tons of acceptance.

As I've said in my previous articles, people management is an act of kindness.

It automatically expires the moment workers show that they don't deserve such kindness from management. It is in this light that HR professionals must consider the needs of both employees and management.

This is the time when HR must decide on the best solution. HR may be misunderstood. But as long as the decision is right and fair, all you have to do is to explain it gently to those who may feel unhappy about your decision. Take it from the department manager.

He has already recommended that the penalty be reduced to a one-week suspension instead of dismissal. Without your knowing for sure, other employees may support such an approach. It becomes a matter of writing a balanced decision that does not set a bad precedent. In writing such a decision, the HR manager must consider the following:

**One, emphasize due process.** This requires giving the employee both the substantive and procedural aspects of

due process. Give the worker an ample chance and opportunity to explain his side of the story.

### Two, state the decision finding the worker to have committed the offense.

Cite the specific provision of the Code of Conduct and other pertinent provisions of the Labor Code. Explain how management came to the collective decision. Take note of a Supreme Court decision finding that dismissal is too harsh.

**Three, explain that the penalty is reduced to suspension.** The HR manager may increase the recommended suspension from five days to 10 days or even more. Also, the suspension must reflect a pro-rata deduction to 13<sup>th</sup> month pay and other cash allowances and benefits when they become due.

**Four, include a disclaimer against setting precedent.** Emphasize it clearly that future offenders may not use such case if it favors them. Do this even if you treat the case with utmost

confidentiality and you promise to treat each case differently.

### COMPASSIONATE JUSTICE

I've implemented compassionate justice in a number of cases brought before me in the past. I was happy to note that the experience taught me many valuable lessons. Compassion can go a long way in reforming employees. Many of them have succeeded in changing their image before management. They've become loyal to the organization.

In conclusion, however, be careful in making a decision like this even in the name of compassionate justice. Chances are, some management people, including CEOs, will object to your leniency. If that happens, you have no choice but to implement what they want — but not before explaining everything in this article.

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## MPTC listing set for 2025

By Ashley Erika O. Jose  
Reporter

THE Metro Pacific Tollways Corp. (MPTC) will defer its initial public offering (IPO) to 2025, its president said, citing the company's stance to weigh its options amid a plan to form a joint venture company with San Miguel Corp. (SMC).

"As far as MPTC is concerned, we are ready to do an IPO after the delisting of MPIC (Metro Pacific Investments Corp.). We're going to be the first [in the group to list after the delisting]," Rogelio L. Singson, president and chief executive officer of MPTC, told reporters on the sidelines of the Transport Con 2023 conference on Wednesday.

However, because of the planned SMC joint venture, he said: "There will be delays."

Earlier this year, MPIC said it was planning to list its tollways unit MPTC on the stock market after the parent firm's delisting from the Philippine Stock Exchange (PSE) in October.

AB Capital Securities, Inc. Vice-President Jovis L. Vistan said IPOs right now are still not attractive given the challenging economic environment.

"Market appetite for equities is weak. So the timing won't look right," he said in a Viber message to *BusinessWorld* on Thursday.

In August, MPTC signed a memorandum of agreement with SMC to build and operate the Cavite-Batangas Expressway and the Nasugbu-Bauan Expressway.

In November, Manuel V. Pangilinan, chairman of MPTC, said the company was planning to form a joint venture company with SMC to build expressways, which he said will be a significant firm and may be a candidate to list at the PSE.

"That's what we don't know yet, we hoped. That would be bigger," Mr. Singson said, referring to whether the planned joint venture company between the two entities would also go public.

With the planned joint venture, going public is still early to determine, Mr. Singson said, adding that for now MPTC's plan to do an IPO was postponed.

"The IPO will be delayed because we have to find out whether we're going to do it together, a merger, or MPTC will do an IPO first," he said.

For stock market analysts, a joint venture company being listed on the PSE is more appealing to investors, rather than listing the Pangilinan-led tollways unit alone.

"A combination of their tollways businesses would create an undisputed infrastructure giant in the country. A company of that scale would make it more attractive to institutional investors and especially foreign funds looking for a sizable infrastructure play," China Bank Capital Corp. Managing Director Juan Paolo E. Colet said in a Viber message.

A market listing for the planned joint venture is also feasible, given both companies have a clear growth strategy that is deemed attractive to investors, Globalinks Securities and Stocks, Inc. Head of Sales Trading Toby Allan C. Arce said.

"Investors would likely view the joint venture between MPIC and SMC positively. The two companies are both well-established and respected conglomerates with a strong track record of success in the infrastructure sector," Mr. Arce said in a Viber message.

However, the current economic environment in the Philippines could also pose some challenges for an IPO, as inflation and interest rates remain soaring.

The headline inflation rate slowed to 4.9% in October from 6.1% in September and 7.7% in October 2022. Still, the October print marked the 19th straight month that inflation breached the central bank's 2-4% target band.

"This is a challenging time to do an IPO. Risk sentiment remains tentative given high interest rates and lack of certainty as to when monetary policy will start loosening," Mr. Colet said.

The Bangko Sentral ng Pilipinas kept its key interest rate at a 16-year high of 6.5% on Nov. 16. The Monetary Board raised borrowing costs by 450 basis points from May 2022 to October 2023 to tame inflation.

"Despite these challenges, there are also some factors that could mitigate the negative impact of the current economic environment on the joint venture's IPO plans," Mr. Arce added, citing both companies' "strong" track record in the infrastructure sector to drive market sentiment.

"The joint venture has a clear growth strategy that focuses on developing and operating major expressway projects in the Philippines. This could attract investors who are looking for long-term growth opportunities," he added.

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