

**MSS SUCCESS SPACES**

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EMPLOYEE DISCIPLINE AND DUE PROCESS TRAINING IN THE PHILIPPINES

Managing Employee Misconduct Fairly, Consistently, and Lawfully

A Practical One-Day Training on Administrative Discipline, Investigation, and Procedural Due Process

TRAINING OVERVIEW

Employee discipline should correct unacceptable behavior, protect organizational standards, and promote accountability—not merely punish employees. However, supervisors and managers may expose the organization to employee-relations problems and labor disputes when disciplinary action is based on assumptions, incomplete evidence, inconsistent penalties, poorly written notices, or denial of the employee's opportunity to explain.

Philippine employers have the management prerogative to establish reasonable workplace rules and discipline employees. This authority must be exercised in good faith, with due regard for employee rights, and with penalties that are appropriate to the nature and gravity of the offense.

This one-day **Employee Discipline and Due Process Training in the Philippines** equips supervisors, managers, Human Resources personnel, and administrative investigators with a practical process for addressing employee misconduct. Participants will learn how to document incidents, establish the facts, prepare a proper Notice to Explain, assess the employee's response, conduct a fair administrative conference when necessary, determine an appropriate penalty, and communicate the final decision professionally.

The program distinguishes **substantive due process**, which requires a lawful and adequately supported ground for disciplinary termination, from **procedural due process**, which requires proper notice and a meaningful opportunity for the employee to be heard. For dismissal based on just causes, the employer must observe the twin-notice process and establish its decision through substantial evidence rather than suspicion or unsupported accusations.

The workshop primarily addresses disciplinary cases arising from employee misconduct and possible just causes under Article 297 of the Labor Code. It does not extensively cover authorized-cause separations such as redundancy, retrenchment, closure, or disease.

TRAINING GOAL

To strengthen participants' ability to address employee misconduct through fair, consistent, properly documented, and legally compliant disciplinary procedures that protect organizational interests while respecting employee rights.

TRAINING OBJECTIVES

By the end of the program, participants will be able to:

1. Explain the legal and management principles governing employee discipline in the Philippines.
2. Distinguish misconduct, performance concerns, policy violations, and possible just causes for termination.
3. Conduct objective fact-finding and evaluate available evidence before recommending disciplinary action.
4. Prepare clear disciplinary documents, including incident reports, Notices to Explain, conference records, and decision notices.
5. Apply procedural due process and determine fair, proportionate, and consistent disciplinary measures.
6. Demonstrate impartiality, professionalism, confidentiality, and accountability when handling employee cases.

TRAINING OUTLINE

Time	Modules and Topics	Activities and Outputs
8:00–10:00 AM	MODULE 1: FOUNDATIONS OF FAIR AND EFFECTIVE EMPLOYEE DISCIPLINE • Purpose of employee discipline: correction, accountability, and protection of workplace standards • Management prerogative and its legal limitations • Employee rights, security of tenure, and organizational responsibilities • Distinguishing misconduct, poor performance, negligence, insubordination, and attendance concerns • Understanding company rules, codes of conduct, and disciplinary schedules • Applying consistency, proportionality, and progressive discipline where appropriate	Discipline or Coaching? Participants classify workplace cases according to whether they require coaching, performance management, corrective discipline, or formal investigation. Penalty Check Challenge Teams assess whether proposed disciplinary actions are reasonable and proportionate to the offense. Outputs: • Employee Discipline Decision Guide • Initial Case Classification Worksheet
10:00–10:15 AM	Morning Break	
10:15 AM–12:00 NN	MODULE 2: FACT-FINDING, DOCUMENTATION, AND ADMINISTRATIVE INVESTIGATION	Fact or Assumption? Participants review an incident report and identify verified facts, unsupported conclusions, and missing information.

Time	Modules and Topics	Activities and Outputs
	• Receiving and documenting an incident or complaint • Separating facts, allegations, assumptions, and opinions • Gathering documents, records, witness accounts, and other relevant evidence • Maintaining impartiality, confidentiality, and proper records • ity, confidentiality, and proper records • Writing a clear and specific Notice to Explain • Proper use and limitations of preventive suspension	Notice to Explain Writing Workshop Teams prepare a Notice to Explain containing the specific acts, relevant circumstances, applicable company rule, and required response. Outputs: • Fact-Finding Checklist • Evidence and Documentation Log • Draft Notice to Explain
12:00–1:00 PM	Lunch Break	
1:00–3:00 PM	MODULE 3: OBSERVING EMPLOYEE DUE PROCESS • Substantive versus procedural due process • The twin-notice requirement in just-cause termination cases • Giving the employee reasonable time and a meaningful opportunity to explain • When an administrative hearing or conference should be conducted • Receiving explanations, clarifying defenses, and evaluating conflicting evidence • Avoiding predetermined decisions, intimidation, retaliation, and procedural shortcuts	Due Process Mapping Exercise Participants arrange the proper disciplinary process from incident reporting to final resolution. Administrative Conference Simulation Participants practice the roles of supervisor, HR representative, employee, representative, and investigator during a disciplinary conference. Outputs: • Employee Due Process Flowchart • Administrative Conference Guide • Conference Documentation Form
3:00–3:15 PM	Afternoon Break	
3:15–5:00 PM	MODULE 4: DECIDING, COMMUNICATING, AND IMPLEMENTING DISCIPLINARY ACTION • Evaluating the charge, explanation, evidence, and mitigating or aggravating circumstances	Disciplinary Decision Workshop Teams evaluate a complete employee case file, determine whether the allegation is supported, and recommend an appropriate action. Decision Notice Writing Exercise Participants prepare a concise written decision showing that the evidence and employee's

Time	Modules and Topics	Activities and Outputs
	• Applying substantial evidence, consistency, and proportionality • Selecting corrective action: coaching, warning, suspension, or termination when legally justified • Preparing a clear written decision or disciplinary notice • Communicating the decision respectfully and professionally • Monitoring corrective commitments and preventing repeated offenses	explanation were considered. Integrated Case Presentation Teams defend their recommended action based on company policy, evidence, due process, and proportionality. Outputs: • Disciplinary Decision Matrix • Draft Decision Notice • Corrective Action and Monitoring Plan

TRAINING METHODOLOGY

The program will use the MSS **EnterTRAINment®** methodology to make labor-law principles practical, understandable, and immediately applicable.

Training methods will include:

- Concise facilitator-led discussions
- Philippine workplace case analyses
- Fact-finding and evidence-review exercises
- Notice to Explain writing workshops
- Administrative conference simulations
- Penalty and proportionality exercises
- Disciplinary decision-making workshops
- Document review and improvement activities
- Facilitator coaching and feedback
- Corrective action planning

The workshop will minimize lengthy legal lectures and concentrate on realistic employee cases, practical documents, decision-making, and procedural application.

TARGET PARTICIPANTS

This **Employee Discipline Training in the Philippines** is recommended for:

- Supervisors and team leaders
- Managers and department heads
- Human Resources and Employee Relations personnel
- Administrative investigators

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- Compliance and Legal support personnel
- Business owners and executives
- Employees authorized to recommend or implement disciplinary action

The program may also be customized as a separate **Employee Due Process Training in the Philippines** for HR personnel, investigating committees, and decision-makers handling more complex administrative cases.

PROGRAM DURATION AND DELIVERY FORMAT

The program is designed as a:

- One-day training program
- 8:00 AM to 5:00 PM
- Four-module interactive workshop
- Face-to-face, virtual, or hybrid program
- Customized in-house training for private-sector organizations

A face-to-face format is recommended when the client requires extensive case analysis, document-writing practice, investigation simulations, and guided feedback.

EXPECTED PARTICIPANT OUTPUTS

Participants will complete or receive the following practical tools:

- Employee Discipline Decision Guide
- Case Classification Worksheet
- Fact-Finding Checklist
- Evidence and Documentation Log
- Notice to Explain Template
- Employee Due Process Flowchart
- Administrative Conference Guide
- Conference Documentation Form
- Disciplinary Decision Matrix
- Decision Notice Template
- Corrective Action and Monitoring Plan

PROGRAM CUSTOMIZATION OPTIONS

This **Training on Employee Discipline and Due Process in the Philippines** may be customized using the client's:

- Code of Conduct
- Employee handbook

- Schedule of offenses and penalties
- Disciplinary procedures
- Collective bargaining agreement, when applicable
- Notice to Explain and decision templates
- Grievance and appeal procedures
- Industry-specific misconduct scenarios
- Organizational values and leadership expectations

Client documents may be reviewed before the training so that exercises and templates reflect the organization's actual disciplinary process. Confidential employee cases do not need to be disclosed.

FREQUENTLY ASKED QUESTIONS

Is employee discipline limited to dismissal?

No. Employee discipline may include coaching, verbal or written reminders, warnings, suspension, or termination, depending on the company's rules, the evidence, the severity of the offense, and applicable law. Dismissal is the most severe disciplinary action and requires both lawful grounds and proper procedure.

Does every employee offense require a Notice to Explain?

The appropriate procedure depends on the nature and possible consequence of the case, the company's rules, and applicable law. A formal Notice to Explain is particularly important when the organization is considering a disciplinary sanction and must give the employee a meaningful opportunity to answer the allegation.

Is a written explanation enough, or must there always be a hearing?

A formal hearing is not required in every case. Due process requires a meaningful opportunity to be heard, which may be written or verbal. A conference becomes necessary in circumstances such as a written request by the employee, substantial factual rule requiring one.

Can a supervisor immediately suspend an employee while investigating?

Preventive suspension should be used only when the employee's continued presence creates a serious and imminent threat to life or property. It should not be used automatic disciplinary penalty.

Is progressive discipline legally required in every case?

Not necessarily. The appropriate response depends on the gravity of the offense, company policy, employment agreements, past practices, and applicable law. Certain sufficiently grave offenses may justify dismissal even without prior warnings, while minor offenses may warrant a lesser corrective measure. The penalty must remain.

Can the training review our company's disciplinary policy?

Yes. The client may provide its employee handbook, Code of Conduct, disciplinary matrix, and existing templates for incorporation into the workshop.

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Does attending this program qualify participants to give legal advice?

No. The program develops management, HR, investigation, documentation, and due-process competencies. Actual cases involving possible dismissal, complicated evidence, union concerns, discrimination, whistleblowing, or significant legal exposure should be reviewed by qualified labor counsel.

RELATED TRAINING PROGRAMS

Organizations may also consider:

- Administrative Investigation Training
- Labor Relations for Supervisors and Managers
- Notice to Explain and Administrative Decision Writing
- Handling Employee Grievances and Complaints
- Root Cause Analysis for Employee Performance Problems
- Coaching and Corrective Feedback
- Performance Management Training
- Code of Conduct Development Workshop
- Committee on Decorum and Investigation Training
- Anti-Sexual Harassment and Safe Spaces Act Training

IMPORTANT PROFESSIONAL NOTE

This program is intended for education, management capability-building, and process improvement. It does not constitute legal advice or determine the proper outcome of any actual employee case.

Labor cases are highly fact specific. Organizations should consult qualified Philippine labor counsel before implementing termination or handling cases involving complex legal, evidentiary, contractual, or union issues.

REQUEST A CUSTOMIZED EMPLOYEE DISCIPLINE AND DUE PROCESS TRAINING

MSS Corporation can customize this **Employee Discipline and Due Process Training in the Philippines** according to the organization's industry, workforce, Code of Conduct, disciplinary procedures, participant profile, and learning objectives.

The program helps leaders discipline employees without acting impulsively, inconsistently, or unfairly—strengthening workplace accountability while protecting both organizational interests and employee rights.