

Stipulation against marriage essay sample

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I. Title of the Case

Stipulation Against Marriage

Claudine de Castro Zialcita vs. Philippine Airlines (PAL)

II. View Point

Claudine de Castro Zialcita complained against Philippine Airlines (PAL) for dismissing her from her job by reason of her contracting marriage. Upon dismissing her the respondent of Philippine Airlines (PAL) invoked their policy which states that flight attendant applicants must be single and will be automatically separated from employment in the event that they subsequently get married. The complainant argued that the policy is a discrimination against married women, she mentioned about her co-workers that are married too and are not dismissed from their job by reason that they lied about their relationship status because of fear of losing their job. She also mentioned that the policy of PAL is illegal and unreasonable because of discrimination against women by having a marriage ban for women but not men.

III. Time Context

Philippine Airlines (PAL) began life with a noble mission: to serve as a partner in nation-building. With this in mind, PAL took to the skies on 15 March 1941, using a Beech Model 18 aircraft amid the specter of a global war. It became Asia's first airline. Philippine Airlines (PAL) has been the dominant air carrier in the Philippines since its creation in 1941. Operating both internationally and within the 7, 100 islands that make up the country, PAL has been something of a curiosity and scandal among the world's major airlines. Case No. RO4-3-3398-76 dated February 20, 1977 stated that complainant Claudine de Castro Zialcita, an international flight stewardess of PAL, was

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discharged last September 1975 from the service on account of her marriage. In separating Zialcita, PAL invoked its policy which stated that flight attendants must be single, and shall be automatically separated from employment in the event they subsequently get married. They claimed that this policy was in accordance with Article 132 of the Labor Code. On the other hand, Zialcita questioned her termination on account of her marriage, invoking Article 136 of the same law. IV. Statement of the Problem

Major

The discriminatory and unconstitutional policy of not accepting flight attendant applicants by reason of being married and firing flight attendants by reason of getting married. What are the effect to this kind of policy not only to flight attendants but also other jobs that has discrimination on other ways. Minor

The dismissed of an International flight stewardess from her job by reason of her contracting marriage. To know what are the answers from the complainant questioned regarding her termination from the company in regards to the law. V. Objectives

The aim of this study is to know whether the termination of the services of complainant on account of marriage is legal. To analyze further if the company's policies has the right attitude towards their employees. Other objective in this case is to know the relationship or connections between the complainant, the company involved, and the law under this situation. We will be able to know the meaning of the law itself (Article 132 and 136) and the

impact to each parties. And finally, we will be able to know which party has the right reasoning that is rational under the law. VI. SWOT Analysis

Strengths| Weaknesses| Opportunities| Threats|

Reputation of the company through providing policies for achieving the goals| Employer -employee relationship because of the conditions that was organized by the company| New diversion of work which offers applicants without limitations| Other companies with better policies that has positive impact to employees| Management is committed to employee development and training| Less opportunity for employees because of discrimination or stipulate for getting married| Knowledge about rights of employee thats under the law| Changing in goverment policies or law| Creating policies for strong customer base| Policy and procedure needs to be updated | There are job sharing opportunities with other organizations| The demand for employees in the field exceeds the supply of potential workers|

VII. Alternative Courses of Action Major

1) To establish standards that will ensure the safety and health of women employees and in appropriate cases shall by regulation require employers to determine appropriate minimum standards for termination in special occupations, such as those of flight attendants. 2) To consider the labor law. The incompatibility of the company's policy or regulation with the codal provision of law. 3) To have an equal treatment to everyone. Without demands and limitations for greater opportunity. Minor

- 1) To reinstate the dismissed stewardess.
- 2) To change the company's policy. Philippine Airline's policy for hiring only unmarried stewardess.
- 3) Prohibited stipulations in employment contract

VIII. Recommendation

Major

Although Article 132 enjoins the Secretary of Labor to establish standards that will ensure the safety and health of women employees and in appropriate cases shall by regulation require employers determine appropriate minimum standards for termination in special occupations, such as those of flight attendants, it is logical to presume that, in the absence of said standards or regulations which are yet to be established, the policy of PAL against marriage is patently illegal. Article 136 is not intended to apply only to women employed in ordinary occupations, or it should have categorically expressed so. The sweeping intendment of the law, be it on special or ordinary occupations, is reflected in the whole text and supported by Article 135 that speaks of non-discrimination on the employment of women. Minor

Philippine Airline's policy of hiring only unmarried stewardess is not only illegal but probably unprofitable because the 'sexual security' of marriage makes some women more efficient and beautiful. Claudine De Castro Zialcita should be reinstate as stewardess because PAL arguments that a married flight stewardess risks becoming pregnant and upsetting flight schedules was not a valid reason. According to Article 136, Labor Code, It shall be unlawful for an employer to require as a condition of employment or

continuation of employment that a woman employee shall not get married, or to stipulate expressly or tacitly that upon getting married a woman employee shall be deemed resigned or separated. IX. Plan of Action

1) Ensure that the policy and regulations are enforced by law. One of the main attributes of effective regulation is the power to enforce compliance with sector policy, laws and regulatory decisions, including dispute resolution decisions. This is an efficient mechanism for dealing with complaints of non-compliance with rules and regulations. 2) Working in an environment which is free from discrimination. Organization/Company is committed to the promotion of equal opportunities for all staff, and its policy on equal opportunities reflects this. Treating all individuals fairly - without bias or prejudice and free from stereotyping. This applies to all recruitment, promotion and career development decisions. 3) Company's own policy should ensure that policy guidelines become part of our normal working practices. It should promote a positive equal opportunities environment and applies on a timely manner.

X. Reference

* Bora Raton News - June 1, 1976

* <http://www.scribd.com/doc/47321843/PART-2-CASE-DIGEST>

* <http://himpapawid.com/airlines/baldoz-resolves-fasap-pal-case/html> *

Labor Law Review 2011Case No. RO4-3-3398-76

* Philippine Airlines, Inc.