

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

THIRTEENTH CONGRESS

First Regular Session

House Bill No. 1085

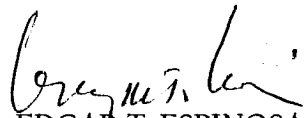
Introduced by **REPRESENTATIVE EDGAR T. ESPINOSA**

EXPLANATORY NOTE

There has been a marked increase in the number of women now working in a variety of jobs. At times however their entry and subsequent opportunities for growth have been curtailed, if not altogether stopped, due to discrimination. This is indeed a development that is surprising in a matriarchal society such as ours, and infuriating considering that the Constitution is replete with provisions discouraging such as practice, particularly article II, Sections 10,11,12, and 14, and Article XIII, Section 14, which in various ways protect and promote the welfare of women.

In view thereof, this Bill seeks to amend Articles 135 and 137 of the Labor Code (PD 442, as amended) so as to expand the prohibited acts of discrimination against women on account of their sex, age, ethnic origin, or beliefs.

Approval of this Bill is earnestly sought.


EDGAR T. ESPINOSA

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AN ACT

EXPANDING THE PROHIBITED ACTS OF DISCRIMINATION AGAINST WOMEN
ON ACCOUNT OF SEX, AMENDING FOR THE PURPOSE ARTICLES 135 AND 137
OF P.D. 442, AS AMENDED, OTHERWISE KNOWN AS THE LABOR CODE OF THE
PHILIPPINES

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

SECTION 1. Article 135 of the Labor Code, as amended, hereby further amended
to read as follows:

“ Art. 135. Discrimination prohibited. – It shall be unlawful for any employer to
discriminate against any woman employee with respect to terms and conditions of
employment solely on account of her sex.

The following are acts of discrimination:

- (a) Payment of a lesser compensation, including wage, salary or other form of
remuneration and fringe benefits, to a female employee as against a male
employee, for work of equal value; [and]
- (b) Favoring a male employee over a female employee with respect to promotion,
ASSIGNMENT, training opportunities, study and scholarship grants solely
on account of their sexes;

(c) GIVING REFERENCE TO A MALE EMPLOYEE OVER A FEMALE EMPLOYEE IN THE HIRING PROCESS, WHETHER THROUGH NOTICES, ANNOUNCEMENTS OR ADVERTISEMENTS FOR EMPLOYMENT AND APPRENTICESHIP OR IN THE ACTUAL RECRUITMENT, HIRING OR EMPLOYMENT OF WORKERS WHERE THE PARTICULAR JOB CAN BE HANDLED BY A WOMAN; AND

(d) FAVORING A MALE EMPLOYEE OVER A FEMALE EMPLOYEE WITH RESPECT TO DISMISSAL OF PERSONNEL OR THE APPLICATION OF THE FIRST IN – FIRST OUT OR OTHER RETRENCHMENT POLICY OF THE EMPLOYER.

SEC. 2. Article 137 of the Labor Code is hereby amended to read as follows:

“Art. 137. Prohibited acts. – (a) it shall be unlawful for any employer:

(1) To deny any woman employee the benefits provided for in this Chapter or to discharge any woman employed by him for the purpose of preventing her from enjoying any of the benefits provided under this Code;

(2) To discharge such woman on account of her pregnancy, or while on leave or in confinement due to her pregnancy;

(3) To discharge or refuse the admission of such a woman upon returning to her work for fear that she may again be pregnant ; AND

(4) TO DENY ANY WOMAN THE BENEFITS OF EMPLOYMENT OR OTHER STATUTORY BENEFITS UNDER OUR LAWS BY REASON OF HER SEX.”

SEC. 3. Within the thirty (30) days from the effectivity of this Act, the Secretary of Labor and Employment, in consultation with the Tripartite Industrial Council, shall issue and publish the necessary rules and regulations to implement the provisions of this Act.

SEC 4. All laws, executive orders, presidential decrees, presidential proclamations, rules and regulations or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SEC. 5. This Act shall take effect fifteen (15) days after its complete publication in the Official Gazette or in at least two (2) newspapers of national circulation, whichever comes earlier.

Approved.