

Republic of the Philippines
House of Representatives
Quezon City

FIFTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 156

Introduced by Honorable Edwin L. Olivarez

EXPLANATORY NOTE

This bill seeks to stop discrimination especially against older persons when hiring for employment.

In the face of rising productivity and affluence, older workers find themselves disadvantaged or discriminated against their efforts to retain employment or to regain employment when displaced from their jobs. The setting of arbitrary age limit regardless of potential for job performance has become a common practice.

The incidence of unemployment, especially long-term unemployment with resultant deterioration of skill, morale and employer acceptability is higher among older workers.

This bill seeks therefore to prohibit discrimination against any individual with respect to compensation and terms and conditions of employment on account of age.

In view of the foregoing, approval of this bill is earnestly recommended.



EDWIN L. OLIVAREZ
1st District Paranaque City

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**AN ACT PROHIBITING DISCRIMINATION AGAINST A PERSON BY REASON
OF AGE UPON HIRING FOR AND DURING EMPLOYMENT, PENALIZING ANY
VIOLATION THEREFOR, AND FOR OTHER PURPOSES.**

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

SECTION 1. **Short Title.** - This Act shall be known as the "Anti-Age
Discrimination in Employment act of 2010."

SECTION 2. **Prohibitions.** - (a) It shall be unlawful for an employer to:

- (1) Fail or refuse to hire or discharge any individual or otherwise discriminate
against such individual with respect to compensation and other terms and
conditions of employment by reason of age;
- (2) Limit, segregate or classify employees in any way which will deprive or
tend to deprive an individual of employment opportunity or otherwise
adversely affect the status as an employee because of age; or
- (3) Reduce the wage rate of any employee by reason of age.

(b) It shall be unlawful for an employment agency to fail or refuse to refer
for employment, or otherwise to discriminate against any individual because of age,
or to classify or refer for employment any individual on the basis of age.

(c) It shall be unlawful for a labor organization to:

(1) Exclude or expel from its membership, or otherwise discriminate against any individual because of age;

(2) Limit, segregate or classify its membership, or fail or refuse to refer for employment any individual in any way which will deprive or tend to deprive such individual of employment opportunity, or will limit such employment opportunity or otherwise adversely affect the status as an employee or as an applicant for employment because of age;

(d) It shall be unlawful for an employer, labor organization or employment agency to print or publish, or cause to be printed or published, any notice or advertisement relating to employment by such an employer; or membership in, or any classification or referral for employment by such a labor organization; or relating to any classification or referral for employment by such an employment agency, indicating any preference, limitation, specification or discrimination based on age: *Provided*, That exempted from this provision are those whose age is a *bona fide* occupational qualification reasonably necessary to the normal operation of a particular business in the military or any branch of the Armed Forces of the Philippines, or where the differentiation is based on reasonable factors other than age, or where such practices involve an employee in a workplace in a foreign country and compliance will cause such employer, or a corporation controlled by such employer, to violate the laws of the country in which the workplace is located.

Employers with less than twenty (20) employees shall be exempted from the prohibition of this act.

SECTION 3. Penalties. - (a) Any employer who shall violate the provisions of Section 2(a) and 2(d) hereof shall suffer the penalty of imprisonment of not less than six (6) months but not more than one (1) year or a fine of not less than One hundred thousand pesos (P1000,000.00) but not more than Five hundred thousand

pesos (P500,000.00), or both such imprisonment and fine at the discretion of the court;

(b) The license of the employment agency who shall violate the provisions of Section 2(b) and 2(d) hereof shall be suspended for one (1) year for the first violation and shall be cancelled for the second violation. In addition, the person who shall cause the violation shall suffer the penalty imposed in the preceding paragraph.

(c) Any labor organization who shall violate the provisions of Sections 2(c) and 2(d) hereof shall have its registration suspended for one (1) year for the first offense and cancelled for the second offense.

In all cases, where the accused is a juridical person, the penalty shall be imposed on the person responsible for the violation. If the accused is an alien, he shall, after service of sentence, be deported immediately without further proceedings in the Bureau of Immigration (BI).

SECTION 4. ***Repealing Clause.*** - All laws, decrees, orders, rules and regulations, or parts thereof, inconsistent hereof, are hereby repealed or amended accordingly.

SECTION 5. ***Effectivity.*** - This Act shall effect fifteen (15) days after its publication in at least two (2) national newspapers of general circulation.

Approved.