

HOUSE OF REPRESENTATIVES

House Bill No. 1691

Introduced by Representative Susan A. Yap

EXPLANATORY NOTE

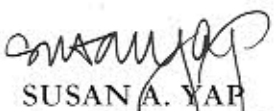
The State recognizes the equal rights of individuals as enshrined in the Universal Declaration of Human Rights and all other international conventions to which the Philippines is a signatory. The State prioritizes the enactment of measures that gear toward the elimination of discrimination in whatever form in the society.

Our Constitution does not fall short in its provisions against discrimination. Section 3 of Article XIII provides that "[T]he State shall afford full protection to labor, local and overseas, organized and unorganized, and promote full employment and equality of employment opportunities for all".

It should be noted, however, that inequality or discrimination is not limited to gender. The most common discrimination, especially concerning employment, concerns the age of a person. Most job opportunities have age limit as one of the criteria. There are employers who consider the age of their employee when choosing who should be trained for a new technology or methodology. These are just a few instances of age discrimination in the workplace.

This proposed bill seeks to promote a positive attitude about the contributions that older people can make to society. It ensures that a person is not denied a job, an equal chance of training, or a promotion because of his or her age. It provides for sanctions to the employers, labor contractors and labor organizations who discriminate against employees or job seekers on account of their age in all the aspects of employment – recruitment, employment terms and conditions, promotions and transfers, training and dismissals.

In view of the foregoing, passage of this bill is earnestly sought.


SUSAN A. YAP
Representative, 2nd District of Tarlac

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AN ACT
TO PROHIBIT EMPLOYERS, LABOR CONTRACTORS AND LABOR
ORGANIZATIONS FROM DISCRIMINATING AGAINST ANY INDIVIDUAL
BECAUSE OF AGE

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

1 SECTION 1. *Short Title.* - This Act shall be known as "Prohibition Against Age
2 Discrimination Act of 2010."

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4 SECTION 2. *Declaration of Policy.* - It is declared a policy of the State to ensure equal work
5 opportunities regardless of one's age.

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7 SECTION 3. *Definition of Terms.* -For purposes of this Act, the terms:

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9 (A) "Employer" includes any person acting directly or indirectly in the interest of an
10 employer in relation to an employee and shall include the Government and all its branches,
11 subdivision and instrumentalities, all government-owned or controlled corporations and
12 institutions, as well as non-profit private institutions or organizations.

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14 (B) "Labor Contractor" means any person regularly undertaking with or without
15 compensation to procure employees for an employer or to procure for employees
16 opportunities to work for an employer and includes an agent of such a person.

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18 (C) "Labor Organization" means any union or association of employees which exists in
19 whole or in part for the purposes of collective bargaining or of dealing with employers
20 concerning terms and conditions of employment.

21
22 (D) "Employee" includes any individual employed by an employer.

23
24 (E) "Secretary" refers to the Secretary of the Department of Labor and Employment
25 of the Republic of the Philippines.

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27 SECTION 4. *Prohibited Employer Practices.* - It shall be unlawful for an employer:

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29 (A) to fail or refuse to hire or to discharge any individual or otherwise discriminate against
30 any individual with respect to his compensation, terms, conditions, or privileges of
31 employment, because of such individual's age;

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33 (B) to limit, segregate, or classify his employees in any way which would deprive or tend to
34 deprive any individual of employment opportunities or otherwise adversely affect his status
35 as an employee, because of such individual's age; or

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37 (C) to reduce the wage of any employee in order to comply with the provision of this
38 Act.

1 SECTION 5. *Prohibited Labor Contractor Practices.* - It shall be unlawful for labor contractors to
2 fail or refuse to refer for employment, or otherwise to discriminate against, any individual
3 because of such individual's age, or to classify or refer for employment any individual on the
4 basis of such individual's age.

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6 SECTION 6. *Prohibited Labor Organizational Practices.* - It shall be unlawful for a labor
7 organization:

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9 (A) to exclude or to expel from its membership, or otherwise to discriminate against any
10 individual because of his age;

11
12 (B) to limit, segregate, or classify its membership, or to classify or fail or refuse to refer for
13 employment any individual, in any way which would deprive or tend to deprive any
14 individual of employment opportunities, or would limit such employment opportunities or
15 otherwise adversely affect his status as an employee, or as an applicant for employment,
16 because of such individual's age;

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18 (C) to cause or attempt to cause an employer to discriminate against an individual in
19 violation of this Act.

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21 SECTION 7. *Opposition to Unlawful Practices; Participation in Investigations, Proceedings, or Litigation.*

22 - It shall be unlawful for an employer to discriminate against any of his employees or
23 applicants for employment, for a labor contractor to discriminate against any individual, or
24 for a labor organization to discriminate against any member thereof or applicant for
25 membership, because such individual, member or applicant for membership has opposed
26 any practice made unlawful by this section, or because such individual, member, or applicant
27 for membership has made a charge, testified, assisted, or participated in any manner in an
28 investigation, proceeding, or litigation under this Act.

29
30 SECTION 8. *Printing or Publication of Notice or Advertisement Indicating Preference, Limitation, etc.* -

31 It shall be unlawful for an employer, labor organization, or labor contractor to print or
32 publish, or cause to be printed or published, any notice or advertisement relating to
33 employment by such an employer or membership in or any classification or referral for
34 employment by such labor organization, or relating to any classification or referral for
35 employment by such a labor contractor, indicating any preference, limitation, specification,
36 or discrimination, based on age.

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38 SECTION 9. *Exceptions.* - It shall not be unlawful for an employer, labor contractor, or labor
39 organization-

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41 (A) to take any action otherwise prohibited under sections 4, 5, 6, or 8 of this Act where age
42 is a bona fide occupational qualification reasonably necessary to the normal operation of the
43 particular business, or where the differentiation is based on reasonable factors other than
44 age;

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46 (B) to take any action otherwise prohibited under sections 4, 5, 6, or 8 of this Act, to observe
47 the terms of a bona fide seniority system that is not intended to evade the purposes of this
48 Act;

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50 (C) to discharge or otherwise discipline an individual for good cause;

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52 (D) to observe the terms of a bona fide employee retirement or a voluntary early retirement
53 incentive plan consistent with the relevant purpose or purposes of this Act;

54 Provided, That, such retirement or voluntary retirement plans are in accordance with the
55 Labor Code as amended and other related laws; or

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57 (E) to take any other action otherwise prohibited under sections 4, 5, 6, or 8 of this Act.

1 Provided, That, said action is duly certified by the Secretary of Labor and Employment to be
2 in accordance with the purposes of this Act.
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4 SECTION 10. *Penalty.* - Any violation of this Act shall be punished with a fine of not less
5 than Fifty Thousand Pesos (P50,000.00) or imprisonment of not less than three (3) months
6 or both at the discretion of the court. If the offense is committed by a corporation, trust,
7 firm, partnership, association, or other entity, the penalty shall be imposed upon the guilty
8 officer or officers of such corporation, trust, firm, partnership, association, or entity.
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10 SECTION 11. *Separability Clause.* - If any provision or part hereof, is held invalid or
11 unconstitutional, the remainder of the Act or the provision not otherwise affected shall
12 remain subsisting.
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14 SECTION 12. *Repealing Clause.* - Any law, presidential decree or issuance, executive order,
15 letter of instruction, administrative order, rule or regulation contrary to, or inconsistent with
16 the provisions of this Act is hereby repealed, modified, or amended accordingly.
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18 SECTION 13. *Effectivity Clause.* -This Act shall take effect fifteen (15) days after its
19 Publication in at least two (2) national newspapers of general circulation.
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21 Approved,