

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS
First Regular Session

House Bill No. **4933**

Introduced by Representatives **EMMI A. DE JESUS, LUZVIMINDA C. ILAGAN,**
TEDDY CASIÑO, NERI COLMENARES, RAFAEL MARIANO,
RAYMOND PALATINO and ANTONIO TINIO

EXPLANATORY NOTE

According to studies of the United Kingdom-based Trade Union Council's (TUC) Hazard magazine, spending most of the time standing up put individuals in greater risk of developing health problems like heart and circulatory problems. This may also lead to chronic heart and circulatory disorders, including hypertension, joints damage, swelling of feet and legs and varicose veins. It also increases the risk of stroke, birth defects and other pregnancy related problems.

Standing continuously for long hours has been proven detrimental to a woman's health, especially for pregnant women workers. According to the Institute for Occupational Health and Safety Development (IOHSAD), women who are on their feet for long hours on end showed symptoms of disruption in their regular menstrual cycle, including *dysmenorrhea* and *ammenorrhea*.

Dr. Michael B. Bracken, et al., of the Department of Epidemiology and Public Health, Yale University School of Medicine, published a study which showed that women in occupations that require prolonged standing had greater probability of preterm labor and/or low birth weight deliveries. Of the sample population in the said study, 14.77% had preterm births; half of them (or 7.7%) were women in jobs that required prolonged standing. Also, 13.5% of the mothers in the sample population delivered babies with low birth weight, 5.5% of them being women who had been standing for long hours.

Providing them seats at work and allowing female employees or workers to sit and have a break from continuous standing will help prevent work-related health problems among these women. It will give them much-needed respite, lessen fatigue and enable them to have quality time with their families when they go home from work.

According to the data of the National Statistics Office (NSO) labor force survey, from October 2006 to October 2009, majority of women are involved in the wholesale and retail trade industry. There were

at least 3.6M females in this said industry as of October 2006, this number subsequently reaching 4.1 M by October 2009.

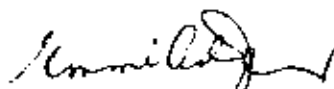
Females in the manufacturing industry, on the other hand, were reported at 1.3 million while there are an estimated 565,000 women in the hotel and restaurants industry as of October 2009, according to the NSO.

Women workers, whether they are in the retail, manufacturing or hotel and restaurant industry, stand up most of the time while working. Moreover, women workers in the service sector are required to smile and deliver friendly and courteous service, which is difficult to do under conditions of pain and discomfort.

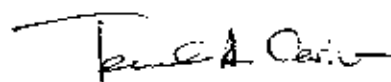
Sales personnel are expected to stand up for at least eight hours a day in the performance of their duties. Factory workers, aiming to reach their production quotas and wanting to earn more than their minimum wage, on the other hand, would rather stand up. They are unaware that this poses serious health problems, especially for women.

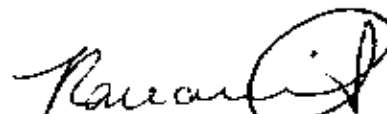
Sitting, while performing their duties, is often misjudged as laziness or rudeness by supervisors and customers. Many workers hesitate to use seats even if these are provided for them, because they are afraid that they will be judged wrongly.

In view of the above, approval of this bill is earnestly sought.


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Gabriela Women's Party


REP. LUZMINDA C. ILAGAN
Gabriela Women's Party


REP. TEDDY CASIÑO
Bayan Muna Partylist


REP. RAFAEL MARIANO
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REP. ANTONIO TINIO
ACT Teachers Partylist

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**AN ACT REQUIRING ALL EMPLOYERS TO INSTITUTE SITTING BREAKS DURING WORK HOURS FOR
THEIR EMPLOYEES /WORKERS ESPECIALLY WOMEN AND TO USE PROPER SEATS PROVIDED FOR
THIS PURPOSE, PROVIDING PENALTIES FOR VIOLATIONS THEREOF,
AND FOR OTHER PURPOSES**

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

SECTION 1. Short Title - This Act shall be known as the **"WORKERS' SITTING BREAK ACT."**

SECTION 2. Declaration of Principles - The State shall ensure the people's right to health. The State shall also guarantee the protection of female employees/workers by *"providing safe and healthful working conditions, taking into account their maternal functions, and such facilities and opportunities that will enhance their welfare and enable them to realize their full potential in the service of the nation,"* consistent with the State's recognition of the significant role of women in nation-building as stated in Article II, Section 14, of the Philippine Constitution.

SECTION 3. Definition of Terms – For purposes of this Act, the term:

1. **Proper seat**- is any chair, bench, stool or the like, ergonomically designed for a specific line of occupational work load, provided by the employer, where an employee/worker may be allowed to sit upon.
2. **Employees/Workers** - include any person employed by an employer. It shall also apply to any person working within the business premises of an employer, either hired directly by the latter or the supplied by an agency or directly contracted by the establishment from said agency.
3. **Employer**- is any person or entity who employs the services of others and pays them wages or salaries, or one for whom an employee works. It includes owners / proprietors of private businesses,

commercial, trade, industrial or service establishments such as , but not limited to, malls, stores, pharmacies, factories, restaurants, hotels, inns and the like, in whose premises the employee or worker as above defined, works at.

4. Labor Contractor - is any person regularly undertaking, with or without compensation, to procure employees for an employer or to procure for employees opportunities to work for an employer, and includes an agent of such person.

5. Manufacturing- is an industry where the use manual and mechanical power including machines are employed for large scale production.

6. Service, shop and market sales – is an industry that give personal and protective services including catering, food, demonstrate, market and sell products in retail and wholesale including malls, boutiques, stores, markets, shops, stalls and other similar establishments.

7. Office-based- shall mean clerical, managerial and mostly technical, community and administrative duties and function.

SECTION 4. Provision of proper seats for employees/workers:

1. Every employer shall provide proper seats to every worker in the manufacturing, hotel and restaurant and in the service/shop/market sales industries, most especially women employees/workers.

2. Workers whose work entails standing up for at least four (4) hours shall be given at least 20 minutes paid sitting break for every 2-hour interval during working hours.

SECTION 5. Education and Research Programs. - The Department of Labor and Employment (DOLE) with the Department of Health (DOH) shall:

- a.) Educate both employers, employees and workers about general Occupational Health and Safety (OHS) standards;
- b.) Provide active information drive on the dangers of prolonged standing and other seemingly "harmless" daily routine/ activities by workers most especially female employees/workers;
- c.) Conduct scientific studies and researches, and come up with corresponding guidelines aimed at minimizing the harmful effects of prolonged standing.

SECTION 6. Implementing Rules and Regulations. Within thirty (30) days from the effectivity of this Act, the Secretary of Labor and Employment shall issue and publish the necessary rules and regulations to implement the provisions of this Act.

SECTION 7. Penal Provisions. Any employer found to be violating any provision shall be given five (5) days to comply and shall be punished for a first offense with a fine of not less than fifty thousand pesos (P100,000.00). If the employer is found to be violating for a second time, he/she shall be punished with a fine of one hundred thousand pesos (P500,000.00). A third offense on the part of an employer is punishable with closure unless full compliance of this law shall be implemented. If the offense is committed by a corporation, trust, firm, partnership or association, or any other entity, the penalty shall be impressed upon not only the guilty officer/s of such corporation trust, firm, partnership or association, or any other entity, but also the sole proprietor or the executive committee of the board of the corporation trust, firm, partnership or association, or any other entity.

If the guilty officer of such corporation, trust, firm, partnership or association is an alien, he shall, in addition to the penalties herein prescribed, be deported without further proceedings after serving the penalties herein prescribed.

SECTION 8. Separability Clause. If any provision of this Act is declared unconstitutional, the same shall not affect the validity and effectivity of the other provisions hereof.

SECTION 9. Repealing Clause. All other laws, executive orders, presidential decrees, presidential proclamations, rules and regulations or parts thereof inconsistent with the provisions of this Act are hereby amended, modified or repealed accordingly.

SECTION 10. Effectivity Clause. This Act shall take effect fifteen (15) days after its complete publication in the Official Gazette or in two (2) newspapers of national circulation.

Approved,