

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City



SIXTEENTH CONGRESS
First Regular Session

House Bill No. **2144**

Introduced by Representatives EMMI A. DE JESUS, LUZVIMINDA C. ILAGAN,
FERNANDO L. HICAP, NERI J. COLMENARES, CARLOS ISAGANI T. ZARATE,
JAMES MARK TERRY L. RIDON, and ANTONIO L. TINIO

EXPLANATORY NOTE

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*.

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.

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.

Moreover, working while standing for a long period of time has been recognized as a vital contributor to decreased workers' performance in industry. Workers experience occupational injuries, productivity decrement, increased treatment and medical costs, and demoralization. When workers perform jobs in prolonged standing, static contraction occurs particularly in their back and legs, this result in diminished function of calf muscle. This condition leads to discomfort and muscle fatigue to the workers. Furthermore, the employers will lose revenue in the forms of productivity, workers' compensation and health treatment costs.¹

Providing female employees or workers seats at work and allowing them 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 since July 2011, majority of women have been involved in the wholesale and retail trade industry. There were at least 3.9 million females in this said industry as of July 2011. Females in the manufacturing industry, on the other hand, were reported at 995,100 while an estimated 496,800 women were in the hotel and restaurants industry as of July 2011, 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.

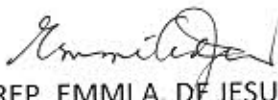
Sales personnel are expected to stand for at least eight hours a day in the performance of their duties. Factory workers, aiming to reach their production quotas and wanting to earn more than their minimum wage, on the other hand, would rather stand up. They are unaware that this poses serious health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

This bill seeks to address the protection of female employees/workers from work-related health problems and ensure their well-being by providing them a safe and healthy working environment.

¹ Halim, Isa & Omar, Abdul Rahman. (2011). A Review on Health Effects Associated With Prolonged Standing in the Industrial Workplaces. Retrieved, July 18, 2013, from http://www.arpapress.com/Volumes/Vol8Issue1/IJRRAS_8_1_03.pdf

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


REP. EMMI A. DE JESUS
Gabriela Women's Party


REP. LUZVIMINDA C. ILAGAN
Gabriela Women's Party

FERNANDO L. HICAP
Anakpawis Partylist

NERI J. COLMENARES
Bayan Muna Partylist

CARLOS ISAGANI T. ZARATE
Bayan Muna Partylist


JAMES MARK TERRY L. RIDON
Kabataan Partylist

ANTONIO L. TINIO
ACT Teachers Partylist

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SIXTEENTH CONGRESS
First Regular Session

House Bill No. **2144**

Introduced by Representatives EMMI A. DE JESUS, LUZVIMINDA C. ILAGAN,
FERNANDO L. HICAP, NERI J. COLMENARES, CARLOS ISAGANI T. ZARATE,
JAMES MARK TERRY L. RIDON, and ANTONIO L. TINIO

**AN ACT REQUIRING ALL EMPLOYERS TO INSTITUTE SITTING BREAKS DURING WORK
HOURS FOR THEIR FEMALE EMPLOYEES /WORKERS 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. Women Employees/Workers - include any female employed by an employer. It shall also apply to any female 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 female employee or female 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 uses of 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 female employees/workers:

1. Every employer shall provide proper seats to every woman worker in the manufacturing, hotel and restaurant and in the service/shop/market sales industries.
2. Women workers shall be given at least 20 minutes paid sitting break for every 2-hour interval during working hours. This provision is without prejudice to women workers who work while sitting.

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 corresponding guidelines aimed at minimizing the harmful effects of prolonged standing

SECTION 5. 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 6. 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 (P50,000.00). 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 (P100,000.00). 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.

SECTION 7. 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 8. 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 9. 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,