

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

Sixteenth Congress
First Regular Session

HOUSE BILL NO. 2416



Introduced by Honorable Lucy Torres-Gomez

EXPLANATORY NOTE

Under the doctrine of “management prerogative” in our labor laws, management has the discretion of deciding whom to hire in his/her establishment. This prerogative, however, may be said to have been abused, especially in instances when older people have been discriminated against in the recruitment process and age does not appear to be relevant or significant in the performance of the job. The problem appears to be more widespread than the now familiar complaints of stewardesses and security guards of preferential treatment towards younger applicants. And the scope of the problem consists not only in the initial hiring process but includes as well issues of retention of employment, such as when some employees are compulsorily retired after reaching a certain age, regardless of continued productivity.

Based on demographics, the Philippines is a “young” country. Most citizens of working age consist of the youth. That means, older people find it more and more difficult to land jobs considering that they have to compete with an increasing horde of younger, “more employable” people (who are, presumptively, cheaper, easier to train, etc.). In turn, this scenario forces older people to “walk into the sunset”, notwithstanding the fact that they still have a lot to contribute to society.

It is said that under the concept of “inclusive growth”, which is presently in vogue, nobody gets left behind in terms of development. But the widespread labor practice of discriminating against older people is precisely a form of betrayal of that policy.

Under the Declaration of Principles and State Policies, Article II of the 1987 Philippine Constitution, it is provided that

"Sec. 11. The State values the dignity of every human person and guarantees full respect for human rights.

"x x x

"Sec. 18. The State affirms labor as a primary social economic force. It shall protect the rights of workers and promote their welfare."

On the other hand, the first paragraph of Section 3 of Article XIII (Social Justice and Human Rights) of the Constitution states

"The State shall afford full protection to labor, local and overseas, organized and unorganized, and promote full employment and equality of employment opportunities for all."

This bill aims to remove discriminatory policies and practices in the work place on account of age, and in effect, promotes equal employment opportunities for all. However, in seeking to penalize discrimination in the recruitment process based on age, and thus, protect older workers, this bill in no manner abets, condones or encourages child labor.

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



LUCY TORRES-GOMEZ
Representative
Fourth District of Leyte

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

Sixteenth Congress
First Regular Session

HOUSE BILL NO. 2416

Introduced by Honorable Lucy Torres-Gomez

AN ACT
PROHIBITING DISCRIMINATION ON ACCOUNT OF AGE IN
EMPLOYMENT, PROVIDING PENALTIES THEREFOR, 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 “Anti-Age Discrimination in Employment Act of 2013”.

SEC. 2. *Declaration of Policy.* - It is hereby declared the policy of the State to afford protection to labor, promote full employment, and ensure equal work opportunities regardless of age.

SEC. 3. *Prohibition Against Discrimination in the Recruitment or Employment of Workers.* – No employer shall refuse to hire prospective employees or workers for reason of age, unless the nature of work to be performed is detrimental to the worker-applicant on account of his age.

SEC. 4. *Prohibition Against Discriminatory Dismissal or Early Retirement.* – No employer shall dismiss or compulsorily retire an employee earlier than the legally-mandated age of retirement, unless for a valid or authorized cause.

SEC. 5. *Prohibition on Advertisements Listing Any Age As Requirement for Hiring.* – Help wanted and/or job opening advertisements stating any age/age bracket as a requirement for employment shall be prohibited.

Any media establishment that publishes or airs, or causes the publication or airing of such discriminatory advertisements shall be dealt with a fine of not less than ten thousand pesos (P10,000.00) for each infraction.

SEC. 6. *Continued Prohibition Against the Employment of Minors.*
– Notwithstanding the provisions of this Act, the employment of minors by any individual or establishment, public or private, national or local, and domestic or foreign, shall remain prohibited.

SEC. 7. *Penalties.* – Without prejudice to damages which may be awarded by the court to the aggrieved party in a civil suit instituted for the purpose, any violation of the provisions of this Act shall be dealt with a fine of not less than ten thousand pesos (P10,000.00) or imprisonment of not less than one (1) month nor more than six (6) months, or both such fine and imprisonment, at the discretion of the court.

SEC. 8. *Who Are Liable Under This Act.* – The proscriptions under this Act against discriminatory acts or practices of employers shall equally apply against any employment agency or labor organization, who shall, directly or indirectly, discriminate or cause the discrimination against workers with respect to the recruitment, compensation, and other terms and conditions of employment by reason of age.

In cases where the accused is a juridical person, the penalty of imprisonment shall be imposed upon the officers and/or employees found liable therefor.

SEC. 9. *Implementing Rules and Regulations.* – The Secretary of Labor shall issue the necessary rules and regulations to implement the provisions of this Act.

SEC. 10. *Repealing Clause.* - All acts, decrees, executive orders, rules and regulations and other issuances or parts thereof inconsistent with the provisions of this Act are hereby repealed, modified or amended.

SEC. 11. *Separability Clause.* - If for any reason, any portion or provision of this Act be declared invalid or unconstitutional, other parts or provisions hereof which are not affected thereby shall continue to be in full force and effect.

SEC. 12. *Effectivity.* - This Act shall take effect fifteen (15) days after its publication either in the Official Gazette or in a newspaper of general circulation.

Approved,