

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

SIXTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. **4724**



Introduced by Representative LEAH S. PAQUIZ of ANG NARS Party - List

EXPLANATORY NOTE

Despite the recorded consecutive economic growth of the country - which is the **highest in the Asia Pacific Region**, the Philippines failed to create and preserve jobs in order to address unemployment and underemployment. Employers, both in the public and private sectors, have resorted to various schemes and plot of employment trends in order to respond to jobless growth.

Labor migration is on the rise and no less than 10% of the working population or approximately 10 million Filipinos are working in at least 183 countries all over the world. Domestically, and due to scarcity of jobs, employers have resorted to stringent and at times unreasonable recruitment process while offering precarious type of employment. Job seekers have been subjected to and experienced various forms of **discrimination on account of age, gender, religion, ethnicity, sexual orientation, political affiliation, physical appearance including the school where job seekers graduated from.**

Corollary, ~~qualifications and preferences are way beyond the competencies~~ required of the job. Contrariwise to the current and prevailing practice in recruitment, Section 3, Article XIII of the 1987 Constitution states that:

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.

Further, this constitutional guarantee is mandated in both the public and the private sector, thus:

Civil Service Commission (CSC) Memorandum Circular No. 3 series 2001, There shall be equal employment opportunity for men and women at all levels of position in the agency, provided they meet the minimum requirements of the position to be filled; There shall be no discrimination in the selection of employees on account of gender, civil status, disability, religion, ethnicity, or political affiliation.

Presidential Decree No. 442, as amended, entitled, "Labor Code of the Philippines, The State shall afford protection to labor, promote full employment, ensure equal work opportunities regardless of sex, race or creed and regulate the relations between workers and employers.

Categorically, no job applicant should be discriminated on account of age, gender, religion, ethnicity, sexual preferences, political and ideological affiliation and physical attributes. The basis for employment should be primarily the competencies and qualifications necessary to perform the job in order to make every employee a partner of the government towards strong nation building through sustainable human and economic development.

This bill seeks to eliminate all forms of discrimination in employment by prohibiting and penalizing employer both in the public and private sector, labor contractor and labor organization that will discriminate against any individual.

In view of the foregoing, immediate approval of this bill is a primordial concern.



REP. LEAH S. PAQUIZ
ANG NARS Party-list

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AN ACT PROHIBITING ALL FORMS OF DISCRIMINATION ON THE
EMPLOYMENT OF ANY INDIVIDUAL

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

1 SECTION 1. Short Title. - The Act shall be known as the, "Anti-Discrimination in
2 Employment Act of 2014."

3
4 SECTION 2. Declaration of Policies. - The State shall promote equal opportunities in
5 employment for everyone. To achieve this end, it shall be the policy of the State to
6 promote employment of individuals on the basis of their abilities, knowledge, skills
7 and qualifications. It shall prohibit all forms of discrimination in employment and
8 shall assist both employers and workers in adopting ways to resolve problems that
9 may occur as a direct or indirect impact of any form of discrimination on employment.

10
11 SECTION 3. Recognition of Rights. - Pursuant to the above-declared principles, the
12 following rights of citizens are hereby recognized for which the State guarantees their
13 enjoyment to:

- 14
15 a.) The right to qualify for job position regardless of age, gender, religion,
16 ethnicity, sexual orientation and preferences, political and ideological
17 affiliations, physical attributes and school where the individual graduated
18 from, and on the basis of their merits and qualifications.

- 1 b.) The right of all applicants or workers to be treated equally in terms of hiring,
2 compensation, training, benefits, promotions and other employment activities.
3 c.) The right of any individual to access public records in the exercise of his or her
4 rights granted under this Act.
5

6 SECTION 4. Definition of Terms. --- The following terms shall have their respective
7 meanings:
8

- 9 a.) *"Worker"*, includes any individual employed by an employer;
10 b.) *"Employer"*, includes any person acting directly or indirectly in the interest
11 of an employer relating to a worker and shall include Government and all
12 its branches, subdivision and instrumentalities, all government owned and
13 controlled corporations and institutions, as well as non-profit private
14 institutions, or organizations;
15 c.) *"Job Applicant"*, includes any person who applied for a specific and vacant
16 position for which an employer is seeking candidates, met the predefined,
17 documented minimum requirements related to a specific open position,
18 applied for the position during the period that the applicant flow log
19 remained open, and who complied with the hiring organization's formal
20 recruitment practices;
21 d.) *"Labor Contractor"*, means any person regularly undertaking with or
22 without compensation, to procure workers for an employer or to procure
23 for employees opportunities to work for an employer, and includes an agent
24 of such person;
25 e.) *"Labor Organization"*, means any union or association of workers which
26 exists in whole or in part for the purpose of collective bargaining or
27 negotiation, or for dealing with employers concerning terms and conditions
28 of employment; and,
29 f.) *"Publisher"*, includes any person or juridical entity engaged in the printing
30 of information on paper and its distribution, buying or otherwise securing
31 of airtime or space on television, radio, internet and similar media, or other
32 similar methods.
33

34 SECTION 5. Scope. - The provisions of this Act shall apply to all employers in both
35 public and private sectors. It shall apply to labor contractors and labor organizations.
36 Further, this Act covers all individuals, whether employees or job applicants who may
37 be subject to discrimination in the workplace, or hiring process.
38

1 SECTION 6. Forms of Discriminatory Acts: Prohibition. - The following shall
2 constitute discriminatory acts committed in any stage of employment (pre-
3 employment, during employment, and post- employment):
4

5 a.) It shall be unlawful for any person to -

- 6 1.) Print or publish, or cause to be printed or published, in any form of
7 media, including internet, any notice of advertisement relating to
8 employment suggesting preferences, limitations, specifications and
9 discrimination based on age, gender, religion, ethnicity, political and
10 ideological affiliations, sexual orientation or preferences, physical
11 attributes, and school;
- 12 2.) Require the mandatory declaration of age or birthdate, religion,
13 gender, ethnicity, political and ideological affiliations, physical
14 attributes and school;
- 15 3.) Decline any employment application due to any of the foregoing
16 discriminatory acts in ;
- 17 4.) Discriminate against any individual in terms of compensation, terms
18 and conditions, or privileges of employment on account of
19 aforementioned forms of discrimination;
- 20 5.) Deny any worker's promotions or opportunities for training;
- 21 6.) Forcibly lay-off or induced directly or indirectly lay-off;
- 22 7.) Impose early retirement on the basis of the aforementioned
23 discriminatory acts; and,
- 24 8.) Reduce or diminish the compensation of any worker just to be able
25 to comply with this Act.

26 b.) It shall be unlawful for a labor contractor to refuse to refer for employment
27 or otherwise discriminate against any individual because of age, gender,
28 ethnicity, religion, sexual orientation or preferences, political and/or
29 ideological affiliations, physical attributes and school where the individual
30 graduated from.

31 c.) It shall be unlawful for any labor group, organization, association to:

- 32 1.) Deny membership to any individual because of the aforementioned
33 forms of discrimination;
- 34 2.) Exclude from its membership any individual because of the
35 aforementioned forms of discrimination; and,
- 36 3.) Cause or attempt to cause an employer to discriminate against an
37 individual in violation of this Act.

38 d.) It shall be unlawful for a publisher to print or publish any notice of
39 advertisement relating to employment suggesting preferences, limitation,
40 specifications, and any form of discrimination identified in this Act; and,

1 e.) Other analogues acts, omission, situations, and declarations.

2
3 SECTION 7. Exceptions. – It shall not be unlawful for an employer to set limitation/s
4 in employment if the limitation/s set will directly impede the performance of tasks
5 and the intent is not to evade the purpose of this Act.

6
7 SECTION 8. Education and Research Programs. – The Department of Labor and
8 Employment (DOLE) and the Civil Service Commission (CSC) shall:

9
10 a.) Conduct studies and researches, and come up with corresponding
11 guidelines aimed at minimizing impediments to the employment of any
12 individual, and furnish such information to employers, labor groups, and
13 the general public, and

14 b.) Promote programs, in coordination with public and private agencies that
15 will further enhance the knowledge and skills of every individual,
16 regardless of gender, age, ethnicity, religion, political and ideological
17 affiliations, sexual orientation or preferences, physical attributes and school
18 where the worker or applicant graduated from.

19
20 SECTION 9. Investigation and Enforcement. – The DOLE and the CSC shall have the
21 authority to investigate and require the keeping of records necessary for the
22 administration of this Act. The DOLE and the CSC with the participation of labor
23 organizations, shall issue rules, regulations, orders and instructions as they deemed
24 necessary and appropriate to carry out their respective responsibilities under this Act.

25
26 SECTION 10. Penalty. – Any violation of this Act shall be punished with a fine of not
27 less than one hundred thousand pesos (P100,000.00) but not more than five hundred
28 thousand pesos (P500,000.00), or imprisonment of not less than five (5) months but not
29 more than two (2) years, or both at the discretion of the court. Further, suspension
30 and/or revocation of license to operate, depending on the gravity of the offense,
31 maybe imposed to any juridical entity found to be in violation of any provisions
32 hereof.

33
34 If the offense is committed by a corporation, trust, firm, partnership, association or
35 other entity, the penalty shall be imposed upon the guilty officer/s of such
36 corporation, trust, firm, partnership, association or entity.

37
38 SECTION 11. Separability Clause. – Should any provision herein be subsequently
39 declared invalid or unconstitutional, the same shall not affect the validity or the
40 legality of the other provisions not so declared.

1
2 SECTION 12. Repealing Clause. - All, laws, presidential decrees, executive orders,
3 rules and regulations, others issuances, or any parts thereof, which are inconsistent
4 with the provisions of this Act, are hereby repealed and modified accordingly.
5

6 SECTION 13. Effectivity. - This Act shall take effect fifteen (15) days after publication
7 in the Official Gazette or in at least two (2) newspapers of general circulation.
8

9 Approved.
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