

Republic of the Philippines
House of Representatives
Quezon City, Metro Manila

SIXTEENTH CONGRESS
Second Regular Session

House Bill Number 5723



Introduced by Representative ROLANDO G. ANDAYA, JR.

EXPLANATORY NOTE

Discrimination by reason of age is a pervasive reality in the Philippines.

More often than not, skilled and talented individuals who are of advanced age lose out on opportunities because most employers prefer younger blood in their work force. This unfair treatment take toll on older people's job prospects and economic situation that eventually lead them to seek employment overseas, or worse, become financially dependent on other people.

The arbitrary discrimination based on a person's age should be stopped. Instead, employment decisions should be based on an individual's qualification, skills and performance. Inclusive growth can never be realized if the bias against older workers is not promptly addressed.

To promote equal opportunities for all and to encourage all citizens to become productive partners of this society, this bill makes it unlawful to discriminate against employees, job seekers and trainees by reason of age.

This bill pushes for fair employment practices that see beyond a person's age. It mandates putting policies in place that will prevent discrimination of both young and mature employees.

Approval of this measure is earnestly requested.


ROLANDO G. ANDAYA, JR.

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**AN ACT PENALIZING AGE DISCRIMINATION IN EMPLOYMENT
PROVIDING PENALTIES THEREFOR AND FOR OTHER PURPOSES**

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

SECTION 1. Short Title. – This Act shall be known as the "Age
Discrimination in Employment Act of 2015."

SEC. 2. Declaration of Policy. – It is the policy of the State to promote a just
society that endeavors to eliminate all forms of discrimination. Towards this end, the
State shall empower older workers by honing their potentials for continued
employment and contribution to the economy and shall prohibit the treatment of
persons less favorably in the workplace because of age.

SEC. 3. Prohibited Acts. – Except those prohibitions against the employment
of minors, it is hereby declared unlawful for any employer to:

- a. Make age as a requirement for employment;
- b. Place advertisements which list age as a requirement for employment;
- c. Lower retirement age other than those prescribed for in the Constitution for
the Judiciary and the retirement age for the Philippine National Police and
the Armed Forces of the Philippines;
- d. Refuse to hire a person because of advance age;
- e. Indicate age preference as a condition for employment; and/or

- f. Discriminate against an employee by reason of age in any aspect of one's employment, including termination, pay, job assignments, promotion, layoff, training and any other term or condition of employment.

SEC. 4. Adoption of Anti-Discrimination by Reason of Age Policies. – All employers are hereby directed to adopt policies that address age discrimination in their respective institutions. Such policies shall include, but not limited to, provisions that:

- a. Prohibit acts stated in the preceding section;
- b. Establish clear procedures and policies in the prevention of age discrimination in:
 - i. Recruitment and selection;
 - ii. Determining pay;
 - iii. Training and development;
 - iv. Selection for promotion;
 - v. Discipline and grievance; and
 - vi. Counter bullying and harassment.

SEC. 5. Penalties. – Any person, juridical or otherwise, found guilty of the unlawful practices enumerated in this Act shall be penalized with a fine of not less than Fifty Thousand Pesos (Php50,000.00) and not more than One Hundred Thousand Pesos (Php100,000.00) or imprisonment of not less than one (1) month but not more than one (1) year, or both, at the discretion of the court.

SEC. 6. Implementing Rules and Regulations. – Within thirty (30) days from the approval of this Act, the Department of Labor and Employment (DOLE), shall issue the necessary rules and regulations for the effective implementation of this Act.

SEC. 7. Separability Clause. – If any provision or part of this Act is held invalid or unconstitutional, the remaining parts or provisions not affected shall remain in full force and effect.

SEC. 8. Repealing Clause. – All laws, executive orders, issuances, rules and regulations or parts thereof inconsistent with the provisions of this Act are hereby repealed, amended or modified accordingly.

SEC. 9. Effectivity Clause. – This Act shall take effect fifteen (15) days after its complete publication in the Official Gazette or in at least two (2) newspapers of general circulation.

Approved,