

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

SEVENTEENTH CONGRESS
First Regular Session

House Bill Number 506

HOUSE OF REPRESENTATIVES

RECEIVED

DATE: 30 JUN 2016

TIME: 4:40 pm

BY: [Signature]

REGISTRATION UNIT
BILLS AND INDEX SERVICE

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.

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

SEVENTEENTH CONGRESS
First Regular Session

House Bill Number 506

Introduced by Representative ROLANDO G. ANDAYA, JR.

**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 “Anti-Age Discrimination in Employment Act of 2016.”

SEC. 2. **Declaration of Policy.** – The State shall promote equal opportunities in employment for everyone. To this end, it shall be the policy of the State to:

- a) promote employment of individuals on the basis of their abilities, knowledge, skills and qualifications rather than their age;
- b) prohibit arbitrary age limitations in employment;
- c) promote the right of all employees and workers, regardless of age, to be treated equally in terms of compensation, benefits, promotion, training and other employment opportunities.

SEC. 3. **Definition of Terms.** – As used in this Act:

- a) Employee - refers to a person who performs professional, managerial or administrative work and is paid salaries by the employer as compensation for services rendered;
- b) Employer – refers to any person, natural or juridical, employing the services of an employee or worker and shall include the government and all its branches, subdivisions and instrumentalities, all government-owned

and controlled corporations, and government financial institutions, as well as non-profit private institutions or organizations;

- c) Job Applicant – refers to a person who applies for employment;
- d) Labor Contractor – refers to any person or an agent of that person who regularly undertakes, with or without compensation, the procurement of employees or workers for an employer, or the procurement for employees' or workers' opportunities to work for an employer;
- e) Labor Organization – refers to any union or association of employees or workers which exists in whole or in parts for the purpose of collective bargaining or for dealing with employers concerning terms and conditions of employment;
- f) Publisher – refers to any person or juridical entity engaged in the printing of information on paper and its distribution, buying or securing of airtime or space on television, radio or the internet, and other similar media;
- g) Worker – refers to a person who performs manual labor involving skilled or unskilled labor, and is paid wages by the employer as compensation for services rendered.

Sec. 4. Coverage. – The provisions of this Act shall apply to all employers, labor contractors or subcontractors, if any, and labor organizations.

Sec. 5. – Prohibition of Discrimination in Employment in Account of Age. –

- a) It shall be unlawful for an employer to:
 - 1. print or publish, or cause to be printed or published, in any form of media, including the internet, any notice of advertisement relating to employment suggesting preferences, limitations, specifications, and discrimination based on age;
 - 2. require the declaration of age or birth date during the application process;
 - 3. decline any employment application because of the individual's age;

4. discriminate against an individual in terms of compensation, terms and conditions or privileges of employment on account of such individual's age;
 5. deny any employee or worker's promotion or opportunity for training because of age;
 6. forcibly lay-off an employee or worker because of old age; or
 7. impose early retirement on the basis of such employee or worker's age.
- b) It shall be unlawful for a labor contractor or subcontractor, if any, to refuse to refer for employment or otherwise discriminate against any individual because of such person's age.
- c) It shall be unlawful for a labor organization to:
1. Deny membership to any individual because of such individual's age;
 2. Exclude from its membership any individual because of such individuals; age; or
 3. Cause or attempt to cause an employer to discriminate against an individual in violation of this Act.
- d) It shall be unlawful for a publisher to print or publish any notice of advertisement relating to employment suggesting preferences, limitations, specifications, and discrimination based on age.

SEC. 6. Exceptions. – It shall not be unlawful for an employer to set age limitations in employment if:

- a) Age is a bona fide occupational qualification reasonably necessary in the normal operation of a particular business or where the differentiation is based on reasonable factors other than age;
- b) The intent is to observe the terms of a bona fide seniority system that is not intended to evade the purpose of this Act;

- c) The intent is to observe the terms of a bona fide employee retirement or a voluntary early retirement plan consistent with the purpose of this Act; Provided, That such retirement or voluntary retirement plan is in accordance with the Labor Code, as amended, and other related laws; or
- d) The action is duly certified by the Secretary of Labor and Employment in accordance with the purpose of this Act.

SEC. 7. Penalty. – Any violation of this Act shall be punished with a fine of not less than Fifty Thousand Pesos (Php50,000.00) but not more than Five Hundred Thousand Pesos (Php500,000.00), or imprisonment of not less than three (3) months but not more than two (2) years, or both at the discretion of the court. If the offense is committed by a corporation, trust, firm, partnership or association or other entity, the penalty shall be imposed upon the guilty officer or officers of such corporation, trust, firm, partnership or association or entity.

SEC. 8. – Education and Research Programs. – The Department of Labor and Employment (DOLE) shall:

- a) Conduct studies and researches on minimizing impediments to the employment of older persons, and furnish such information to employers, labor groups, and the general public; and
- b) Promote programs, in coordination with public and private agencies, that will further enhance the knowledge and skills of every individual regardless of age.

SEC. 9. Implementing Rules and Regulations. – The DOLE shall have the authority to investigate and require the keeping of records necessary for the administration of this Act. Within ninety (90) days from effectivity, the Secretary of Labor and Employment shall formulate the necessary rules and regulations to implement the provisions of this Act.

SEC. 10. Separability Clause. – Should any provision of this Act be declared unconstitutional, the remainder thereof not otherwise affected shall remain in full force and effect.

SEC. 11. Repealing Clause. – All existing laws, presidential decrees, executive orders, proclamations or administrative regulations that are inconsistent with the provisions of this Act are hereby repealed, amended or modified accordingly.

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

Approved.