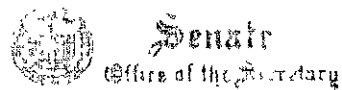
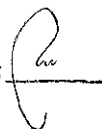


FIFTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)



'11 JAN 24 P7:00

SENATE

RECEIVED BY: 

S.B. No. 2652

Introduced by Senator PIA S. CAYETANO

EXPLANATORY NOTE

In these times of global economic recession, a number of our countrymen have lost their jobs, and many employers have limited the work hours of their employees and reduced their take-home pay. Unemployment rate has gone up, especially as fresh graduates continue to join the labor force. As an ill-effect, a new type of discrimination has emerged – discrimination against an individual due to age. These displaced workers face a bleak future, especially as most employers prefer young employees. Prejudice against an aging workforce is evident in the qualifications posted in job notices and differences in benefits received.

The Constitution mandates the State to promote equality of employment opportunities for all. This means that an individual should not be discriminated against due to his age, sex, creed, political inclination, or status in life. The basis for employment should be the skills and qualifications necessary to perform the occupation.

This bill seeks to eliminate age discrimination in employment by prohibiting and penalizing any employer, labor contractor, and labor organization that will discriminate against any individual because of his or her age.

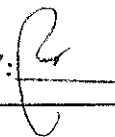
In view of the foregoing, approval of this bill is earnestly requested.


PIA S. CAYETANO
Senator

'11 JAN 24 P7:00

SENATE

S.B. No. 2652

RECEIVED BY: 

Introduced by Senator PIA S. CAYETANO

AN ACT
PROHIBITING THE DISCRIMINATION ON THE EMPLOYMENT OF ANY INDIVIDUAL
ON THE BASIS MERELY OF AGE

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

1 **SECTION 1. Short Title.** –The Act shall be known as the “Anti-Age Discrimination in
2 Employment Act of 2011.”
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

- 7 a.) Promote employment of individuals on the basis of their abilities, knowledge,
8 skills and qualifications rather than their age.
9 b.) Prohibit arbitrary age limitations in employment.
10 c.) Assist both employers and employees in devising ways to resolve problems
11 that may take place as a direct or indirect impact of age discrimination on
12 employment.
13

14 **SECTION 3. Recognition of Rights.** – Pursuant to the above-declared principles, the
15 following rights of citizens are hereby acknowledged, and the State guarantees their
16 enjoyment to:
17

- 18 a.) The right to qualify for a job position regardless of age, and on the basis of
19 their merits and qualifications.
20 b.) The right of older applicants or employees to be treated equally with the
21 younger applicants or employees in terms of hiring, compensation, trainings,
22 benefits, promotions, and other employment activities.
23 c.) The right of any individual to access public records in the exercise of his or
24 her rights granted under this Act.
25

26 **SECTION 4. Definition of Terms.** – The following terms shall have their respective
27 meanings:
28

- 29 a.) “**Employee**” includes any individual employed by an employer.
30
31 b.) “**Employer**” includes any person acting directly or indirectly in the interest of
32 an employer relating to an employee and shall include the Government and
33 all its branches, subdivision and instrumentalities, all government-owned or
34 controlled corporations and institutions, as well as non-profit private
35 institutions, or organizations.
36
37

1 c.) **"Job Applicant"** includes any person who applied for a specific and vacant
2 position for which an employer is seeking candidates, met the predefined,
3 documented minimum requirements related to a specific, open position,
4 applied for the position during the period that the applicant flow log remained
5 open, and who complied with the hiring organization's formal recruitment
6 practices.

7
8 d.) **"Labor Contractor"** means any person regularly undertaking, with or without
9 compensation, to procure employees for an employer or to procure for
10 employees opportunities to work for an employer, and includes an agent of
11 such person.

12
13 e.) **"Labor Organization"** means any union or association of employees which
14 exists in whole or in part for the purpose of collective bargaining, or for
15 dealing with employers concerning terms and conditions of employment.

16
17 f.) **"Publisher"** includes any person or juridical entity engaged in the printing of
18 information on paper and its distribution, buying or otherwise securing of
19 airtime or space on television, radio, internet and similar media, or other
20 similar methods.

21
22 **SECTION 5. Employers Covered.** – The provisions of this Act shall apply to all
23 employers, including national and local governments. It shall also apply to labor
24 contractors and labor organizations.

25
26 **SECTION 6. Individuals Covered.** - The provisions of this Act shall apply to all
27 individuals, whether employees or job applicants who may be subject to discrimination
28 in the workplace, or hiring process, due to age.

29
30 **SECTION 7. Education and Research Programs.** – The Department of Labor and
31 Employment (DOLE) shall:

32
33 a.) Conduct studies and researches, and come up corresponding guidelines
34 aimed at minimizing impediments to the employment of older persons, and
35 furnish such information to employers, labor groups, and the general public;
36 and

37
38 b.) Promote programs, in coordination with public and private agencies, that will
39 further enhance the knowledge and skills of every individual, regardless of
40 age.

41
42 **SECTION 8. Prohibition of Age Discrimination.**

43
44 a.) It shall be unlawful for an employer to –

45
46 1.) Print or publish, or cause to be printed or published, in any form of media,
47 including internet, any notice of advertisement relating to employment
48 suggesting preferences, limitations, specifications, and discrimination
49 based on age;

50
51 2.) Require the declaration of age or birthdate during the application process;

52
53 3.) Decline any employment application because of the individual's age;

54
55 4.) Discriminate against an individual in terms of compensation, terms and
56 conditions, or privileges of employment on account of such individual's
57 age;

1 5.) Deny any employee's promotions or opportunities for trainings on the
2 basis of his/her age;

3
4 6.) Forcibly lay-off an employee merely because of old age;

5
6 7.) Impose early retirement on the basis of such employee's age; and

7
8 8.) Reduce the wage rate of any employee just to be able to comply with this
9 Act.

10
11 b.) It shall be unlawful for a labor contractor to refuse to refer for employment, or
12 otherwise discriminate against any individual because of such person's age.

13
14 c.) It shall be unlawful for a labor group to --

15
16 1.) Deny membership to any individual because of his/her age;

17
18 2.) Exclude from its membership any individual because of such individual's
19 age; and

20
21 3.) Cause or attempt to cause an employer to discriminate against an
22 individual in violation of this act.

23
24 d.) It shall be unlawful for a publisher to print or publish any notice of advertisement
25 relating to employment suggesting preferences, limitations, specifications, and
26 discrimination based on age.

27
28 **SECTION 9. Exceptions.** – It shall not be unlawful for an employer to set age limitations
29 in employment if:

30
31 a.) Age is a *bona fide* occupational qualification reasonably necessary in the
32 normal operation of the particular business, or where the differentiation is
33 based on reasonable factors, other than age;

34
35 b.) The intent is to observe the terms of a *bona fide* seniority system that is not
36 intended to evade the purpose of this Act;

37
38 c.) The intent is to observe the terms of a *bona fide* employee retirement or a
39 voluntary early retirement plan consistent with the purpose of this Act;
40 *Provided*, that such retirement or voluntary retirement plans are in
41 accordance with the Labor Code, as amended, and other related laws; and

42
43 d.) The action is duly certified by the Secretary of Labor and Employment in
44 accordance with the purpose of this Act.

45
46 **SECTION 10. Investigation and Enforcement.** – The DOLE shall have the authority to
47 investigate and require the keeping of records necessary for the administration of this
48 Act. It shall issue such rules, regulations, orders and instructions as it deems necessary
49 and appropriate to carry out its responsibilities under this Act.

50
51 **SECTION 11. Penalty.** – Any violation of this Act shall be punished with a fine of not
52 less than fifty thousand pesos (P50,000.00) but not more than five hundred thousand
53 pesos (P500,000.00), or imprisonment of not less than three (3) months but not more
54 than two (2) years, or both at the discretion of the court. If the offense is committed by a
55 corporation, trust, firm, partnership or association or other entity, the penalty shall be
56 imposed upon the guilty officer or officers of such corporation, trust, firm, partnership or
57 association or entity.

1
2
3
4
5
6
7
8
9
10
11
12
13

SECTION 12. Separability Clause. – Should any provision herein be subsequently declared invalid or unconstitutional, the same shall not affect the validity or the legality of the other provisions not so declared.

SECTION 13. Repealing Clause. – All laws, presidential decrees, executive orders, rules and regulations, other issuances, and parts thereof, which are inconsistent with the provisions of this Act, are hereby repealed and modified accordingly.

SECTION 14. Effectivity. – This Act shall take effect fifteen (15) days after publication in the Official Gazette or in at least (2) newspapers of general circulation.

Approved,