

FOURTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
THIRD REGULAR SESSION)

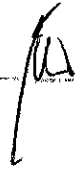
OFFICE OF THE SECRETARY

9 JUN 18 P1:47

SENATE

S. B. No. 3321

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Introduced by Senator Ramon "Bong" Revilla, Jr.

EXPLANATORY NOTE

Discrimination is the act in which a person or a race is being distinguished from another and is responded differently. To put it differently, discrimination is giving unfair treatment on basis of prejudice on a person, race or ethnicity and gender.

Discrimination is an issue that is not new. It has been going on for centuries and across many countries. It can happen anywhere and anytime. Anyone can be discriminated against by some person having a biased judgment. An example would be a woman being discriminated against because of her gender or her status in life. This act of discrimination entails that a superior race or person is implying inferiority onto another entity.

With the issue of discrimination happening, some people are losing opportunities for employment. Some people are being favored or preferred on basis of the bias of the employers, whereas the people being differentiated are not being given due recognition on the merits that they accomplished. Some of the people being discriminated against are ethnic tribes, women, and ex-convicts.

Ex-convicts or persons convicted of crimes and later released, faced few employment opportunities because of their past misdeeds. They are being discriminated sometimes because of the fear of the employer's safety. But not all of the time these released persons present danger to the community and the employer. Some of these persons were innocent and unjustly imprisoned. Their unfortunate luck of not having money to defend their innocence resulted in months and years in prison. And with them having served their sentence, they now face discrimination in their society.

With the lack of employment opportunities for these persons that are reformed, this bill seeks to aid such people in finding employment and not being prejudiced upon. In order to aid such people facing problems in employment and aid their impoverished families, a mandate in the Constitution promotes "equality of employment opportunities for all." Let us, as the representatives of the people, enact this bill for the betterment of the people.



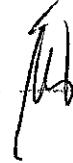
RAMON "BONG" REVILLA, Jr.

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Introduced by Senator Ramon "Bong" Revilla, Jr.

**AN ACT
TO PROHIBIT EMPLOYMENT DISCRIMINATION
BASED ON PREVIOUS CRIMINAL RECORD**

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 "Employment Non-discrimination against Former Criminal Offenders."

SECTION 2. Declaration of Policy. - It is a declared State policy to ensure equal work opportunities. Pursuant to this policy, it shall prohibit discrimination committed by an employer against an employee on the basis of latter's previous criminal record.

SECTION 3. Definition of Terms. - As used in this Act, the term:

(A) "Employer" includes any person acting directly or indirectly in the interest of an employer in relation to an employee and shall include the Government and its branches, subdivisions, and instrumentalities, all government-owned and controlled corporations, as well as non-profit private institutions, or organizations;

(B) "Employee" includes any individual employed by an employer;

(C) "Former Criminal Offenders or Ex-Convicts" means any individual having served a sentence for any criminal offense by a court and released accordingly;

(D) "Employment agency" means any person regularly undertaking with or without compensation to procure employees for an employer or to procure for employees as opportunities to work for an employer and includes an agent of such a person;

(E) "Employment" or "employment opportunities" includes job application procedures, hiring, advancement, discharge, compensation, job training or of dealing with employment concerning terms and conditions of employment;

(F) "Person" includes one or more individuals the Government and all its branches, subdivision and instrumentalities, all government-owned and controlled corporations and institutions, as well as non-profit private institutions, or organizations, labor unions, partnerships, associations, corporations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, or receivers.

(G) "Covered entity" means an employer, employment agency, labor organization, or joint management committee;

SECTION 4. *Prohibited Practices.* – It shall be an unlawful employment practice:

(A) For an employer –

- (1) To fail or refuse to hire or to discharge any individual, or otherwise discriminate against any individual with respect to his compensation, terms, conditions, or privileged of employment because of the individual's previous criminal offenses.
- (2) To limit or segregate, or classify his or her employees or applicants for employment in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect his/her status as an employee, because of such individual's prior criminal offenses.

SECTION 5. *Scope.* – This Act shall apply to all persons convicted of criminal offenses and discharged and any kind of employment such individual wishes to undertake.

This Act will make certain that the Department of Social Welfare and Development will administer non-discrimination programs to ensure the community of the importance of individuals in the growth of the community. Such programs will include community discussions that will aim to teach the community on non-discrimination against their fellowmen.

This Act will also include in its promulgation, a psychological test that will be available for employers requesting assessment of potential employees. Such individual psychological assessment will be administered by the Department of Social Welfare and Development and a partner agency to assure the community and the employer of the safe integration and performance of the individual being hired.

SECTION 6. *Retaliation and Coercion Prohibited.* -

(A) *Retaliation.* - A Covered entity shall not discriminate against an individual because such individual made a charge, assisted, testified, or participated in any means in an investigation, proceeding, or hearing under this Act.

(B) *Coercion.* - A person shall not coerce, intimidate, threaten, or interfere with any individuals in the exercise or enjoyment of any right granted or protected under this Act.

SECTION 7. *Other Remedies.* - This Act shall not invalidate or limit the rights, remedies, or procedures available to an individual claiming discrimination prohibited under any other law, rule or regulation.

SECTION 8. *Separability Clause.* - If any provision or part hereof, is held invalid or unconstitutional, the remainder of the law or the provision not otherwise affected shall remain valid and subsisting.

SECTION 9. *Repealing Clause.* - Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule or regulation contrary to or inconsistent with, the provisions of this Act is hereby repealed, modified, or amended accordingly.

SECTION 10. *Effectivity Clause.* - This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved,