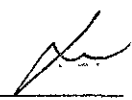


9 AUG 25 2015

SENATE
S. B. No. 3411

REGISTRATION



Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

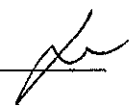
The proposed legislation seeks to provide job protected leave for workers who suffer from domestic violence in relation to Republic Act 9262 or the "*Act Defining Violence Against Women And Their Children, Providing For Protective Measures For Victims, Prescribing Penalties Therefore*" by providing protected leave for workers to seek medical attention, obtain legal assistance, attend support groups, and participate in other activities necessitated by these crimes.

The proposed bill seeks to strengthen the Republic Act 9262 and ensure that survivors of abuse have time to receive the care and attention they need. Victims of domestic violence already have been traumatized once and under no circumstances should their pain be exacerbated by the threat of losing their jobs.

Many victims of domestic violence stay in abusive relationships because they are financially dependent on their abusers. By providing greater employment protections, this legislation will assist survivors of domestic violence to break free from the cycle of abuse in their lives.


MIRIAM DEFENSOR SANTIAGO

SENATE
S. B. NO. 3411



Introduced by Senator Miriam Defensor Santiago

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AN ACT
REQUIRING CERTAIN EMPLOYERS TO PROVIDE EMPLOYMENT LEAVE FOR
VICTIMS OF DOMESTIC VIOLENCE; PROHIBITING CERTAIN ACTS; AND
PRESCRIBING PENALTIES.

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

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SECTION 1. *Short Title.* - This act shall be known as the Victims of Domestic Violence Employment Leave Act.

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SECTION 2. *Definitions.* -- The following words and phrases when used in this act shall have the meanings given to them in this section unless the context clearly indicates otherwise:

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a) "DOMESTIC VIOLENCE" - Any act or acts of abuse as defined in Section 3 of Republic Act 9262 "Anti-Violence Against Women and Their Children Act of 2004"

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b) "ELIGIBLE EMPLOYEE" - An individual who:

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- (1) is a victim of domestic violence or is the parent of a minor child who is a victim of domestic violence;
- (2) has been employed for at least 12 months by the employer to whom a request for leave under this act is directed;
- (3) has performed at least 1,250 hours of service during the previous 12 months of employment for the employer.

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c) "EMPLOYER" - Is any of the following:

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- (1) The National Government or an agency or instrumentality of the National Government;

- 23 (2) A Local Government or an agency or instrumentality of the local
24 Government;
- 25 (3) A person or entity that currently employs at least 15 persons each
26 work day for 20 or more weeks in a calendar year; or
- 27 (4) A person or entity that employed at least 15 persons each work day for
28 20 or more weeks in the immediately preceding calendar year.
- 29 d) "PERPETRATOR" - A person who has committed domestic violence
30 against another person or persons.
- 31 e) "VICTIM OF DOMESTIC VIOLENCE." - A person who is subjected to
32 domestic violence by a perpetrator.

33 SECTION 3. *Domestic violence employee leave.* - An eligible employee may
34 request and an employer shall permit an eligible employee to take leave with pay
35 from work for any of the following reasons:

- 36 (i) for the eligible employee to secure medical treatment to recover from
37 injuries suffered as a result of domestic violence;
- 38 (ii) for the eligible employee to attend to legal proceedings relating to
39 domestic violence involving the eligible employee or the eligible
40 employee's minor child;
- 41 (iii) for the eligible employee to relocate to a new temporary or permanent
42 residence for reasons related to domestic violence;
- 43 (iv) for the eligible employee to obtain counseling or advocacy services; or
- 44 (v) for the eligible employee to assist the employee's minor child who is a
45 victim of domestic violence in any of the actions in subparagraphs (i), (ii),
46 (iii) or (iv).

47 An eligible employee shall be entitled to a total of 10 days of leave during any 12-
48 month period. An eligible employee shall make a reasonable effort to schedule matters so
49 as not to unduly disrupt the operations of the employer.

50 SECTION 4 *Notice* - Except as provided in this section, an eligible employee
51 shall provide the employer with at least five days advance notice of the eligible
52 employee's intention to take leave under Section 3.

53 An eligible employee shall provide notice to the employer as soon as practicable
54 if the five day advance notice is not possible due to any of the following:

- 55 (i) the safety of the eligible employee or the eligible employee's minor
56 child;
- 57 (ii) the scheduling of any legal proceeding; or
- 58 (iii) the availability of counseling or advocacy services.

59 SECTION 5 *Certification* - An employer may require an eligible employee to
60 provide certification to the employer that:

- 61 (i) The eligible employee or the eligible employee's minor child is a victim of
62 domestic violence; and
- 63 (ii) The leave is requested for one of the purposes enumerated in Section 3.

64 The eligible employee shall provide the certification to the employer within a
65 reasonable period after the employer requests certification. An eligible employee may
66 satisfy the certification requirement by providing to the employer one of the following:

- 67 (i) A police report indicating that the eligible employee or the eligible
68 employee's minor child was a victim of domestic violence;
- 69 (ii) A court order protecting or separating the eligible employee or the
70 eligible employee's minor child from the perpetrator;
- 71 (iii) A signed statement from a medical professional, therapist, clergy
72 member, counselor, domestic violence counselor or domestic violence
73 advocate affirming that the eligible employee or the eligible employee's
74 minor child is undergoing counseling for physical or mental injuries
75 resulting from domestic violence;
- 76 (iv) A signed statement from a victim and witness advocate or other court
77 personnel affirming that the eligible employee or the eligible employee's
78 minor child is involved in legal proceedings relating to domestic violence; or
- 79 (v) A signed statement from a police officer, victim and witness advocate
80 or other court personnel, medical professional, therapist, clergy member,

81 counselor, domestic violence counselor or domestic violence advocate
82 affirming that the eligible employee or the eligible employee's

83 SECTION 6 *Confidentiality* - All information provided to the employer under
84 section 5, including the fact that the eligible employee has requested or obtained leave
85 under this section, shall be retained in the strictest confidence by the employer, except to
86 the extent that disclosure is:

- 87 (1) Requested or consented to in writing by the eligible employee; or
88 (2) Required by courts of law in relation to a pending case.

89 SECTION 7 *Prohibited acts*. -An employer shall not interfere with, restrain or
90 deny the exercise of or the attempted exercise of any right provided by this act. An
91 employer shall also not discriminate against an eligible employee for exercising the
92 eligible employee's rights under this act.

93 SECTION 8 *Penalties* - An employer who violates section 7 of this Act shall
94 suffer the penalty of imprisonment of 15 days and a fine of Thirty Thousand Pesos
95 (P30,000.00) upon conviction.

96 SECTION 9 *Separability Clause*. - If any provision or part thereof, is held invalid
97 or unconstitutional, the remainder of the law or the provision not otherwise affected shall
98 remain valid and subsisting.

99 SECTION 10 *Repealing Clause*. - Any law, presidential decree or issuance,
100 executive order, letter of instruction, administrative order, rule or regulation contrary to,
101 or inconsistent with the provisions of this Act is hereby repealed, modified or amended
102 accordingly.

103 SECTION 11. *Effectivity Clause*. - This Act shall take effect fifteen (15) days
104 after its publication in at least two (2) newspapers of general circulation.

Approved.