

THIRTEENTH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES
First Regular Session

'04 JUN 30 P10:30

SENATE

RECEIVED BY: *Law*S. No. 767

INTRODUCED BY HON. MANUEL B. VILLAR JR.

EXPLANATORY NOTE

Providing equal employment opportunities for all, regardless of sex, is one step towards departing from the prevailing social and economic inequity in the country. Gender bias, both in hiring or recruiting of workers, bolsters the traditional perception of society that the woman's proper place is that of the house -- a perception that has become an obstacle to the employability of women. Our country, however, is becoming more aware of the need to treat men and women equally, thus, effectuating *de jure* equality of men and women, as enshrined in the Constitution: "The State recognizes the role of women in nation-building, and shall ensure the fundamental equality before the law of women and men." The 1987 Constitution likewise declares, "The State shall ... promote ... equality of employment opportunities for all." To translate the policies enunciated in the Constitution into realities, there are laws which give women equal legal status with men such as: RA 7192 or the Women in Nation-Building Act which establishes opportunities for women to participate in economic development; RA 6725, which strengthens the prohibition on discrimination against women with respect to terms and conditions of employment. Notwithstanding the enactment of these laws, much has to be done to promote women's welfare and status.

A study conducted by the Bureau of Women and Young Workers and the National Statistics Office revealed that women employees generally earn less than their male counterparts; women are predominant in low-skilled jobs; and fewer women advance to the top of the organizational hierarchy. Thus, one can see the disparities engendered by sexual discrimination. It is indeed a reality that calls for a positive and concerted action.

The proposed Bill, in keeping with the policy to eliminate sex-based discrimination in employment, penalizes an employer who favors a male employee over a female employee, whether through notices, announcements or advertisements for employment or in the actual hiring or admission of workers, thus bringing about a step towards equitable employment opportunity for all. This will expand the scope of acts of discrimination by an employer against women as enumerated under Art. 135 of the Labor Code. The amendment seeks to encourage employers to recruit and hire more women in the workplace, thereby, eliminating the big stumbling block to women's employability.

In view of the foregoing, early passage of this Bill is earnestly urged.



MANUEL B. VILLAR, JR.

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AN ACT EXPANDING THE PROHIBITED ACTS OF DISCRIMINATION AGAINST WOMEN ON ACCOUNT OF SEX, AMENDING FOR THE PURPOSE ARTICLES 135 AND 137 OF P.D. 442, AS AMENDED, OTHERWISE KNOWN AS THE LABOR CODE OF THE PHILIPPINES

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

SECTION 1. Article 135 of the Labor Code, as amended, is hereby further amended to read as follows:

“Art. 135. *Discrimination prohibited.* - It shall be unlawful for any employer to discriminate against any woman employee with respect to terms and conditions of employment solely on account of her sex.

“The following are acts of discrimination:

“(a) Payment of a lesser compensation, including wage, salary or other form of remuneration and fringe benefits, to a female employee as against a male employee, for work of equal value; [and]

“(b) Favoring a male employee over a female employee with respect to promotion, ASSIGNMENT, training opportunities, study and scholarship grants solely on account of their sexes;

(C) GIVING PREFERENCE TO A MALE EMPLOYEE OVER A FEMALE EMPLOYEE IN THE HIRING PROCESS, WHETHER THROUGH NOTICES, ANNOUNCEMENTS OR ADVERTISEMENTS FOR EMPLOYMENT AND APPRENTICESHIP OR IN THE ACTUAL

RECRUITMENT, HIRING OR EMPLOYMENT OF WORKERS WHERE THE PARTICULAR JOB CAN BE EQUALLY HANDLED BY A WOMAN; AND

(D) FAVORING A MALE EMPLOYEE OVER A FEMALE EMPLOYEE WITH RESPECT TO DISMISSAL OF PERSONNEL OR THE APPLICATION OF THE LAST IN – FIRST OUT OR OTHER RETRENCHMENT POLICY OF THE EMPLOYER.”

SEC. 2. Article 137 of the Labor Code is hereby amended to read as follows:

“Art. 137. *Prohibited acts.* - (a) It shall be unlawful for any employer:

“(1) To deny any woman employee the benefits provided for in this Chapter or to discharge any woman employed by him for the purpose of preventing her from enjoying any of the benefits provided under this Code;

“(2) To discharge such woman on account of her pregnancy, or while on leave or in confinement due to her pregnancy;

“(3) To discharge or refuse the admission of such woman upon returning to her work for fear that she may again be pregnant; AND

(4) TO DENY ANY WOMAN THE BENEFITS OF EMPLOYMENT OR OTHER STATUTORY BENEFITS UNDER OUR LAWS BY REASON OF HER SEX.”

SEC. 3. Within thirty (30) days from the effectivity of this Act, the Secretary of Labor and Employment, in consultation with the Tripartite Industrial Council, shall issue and publish the necessary rules and regulations to implement the provisions of this Act.

SEC. 4. All laws, executive orders, presidential decrees, presidential proclamations, rules and regulations or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SEC. 5. This Act shall take effect fifteen (15) days after its complete publication in the *Official Gazette* or in at least two (2) newspapers of national circulation whichever comes earlier.

Approved,