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

S E N A T E

S.B. No. 19٢8

Introduced by Senator JINGGOY·EJERCITO ESTRADA

EXPLANATORY NOTE

Section 14, Article II of the 1987 Constitution provides that "The State recognizes the role of women in nation-building, and shall ensure the fundamental equality before the law of women and men".

Under Article 130 of the Labor Code, as amended, night work for women employees is generally prohibited in industrial and commercial undertakings. This general rule, however, admits of exceptions as provided for under Article 131 of the same Code. In addition to the six (6) exceptions specifically enumerated in Article 131, where women employees are allowed to work during nighttime, the Secretary of Labor is allowed, in analogous cases, to exempt women employees from the said provision.

There has been a demand for exemption on the night work prohibition for women employees, especially on the call center industry. In granting exemption, the Department of Labor and Employment (DOLE) considered the changes brought about by the increasing demands for globalization, liberalization, advanced information and communication technology and the Constitutional mandate for the equal rights to employment opportunities and the right against employment discrimination.

In view of the foregoing, and given·the importance the Constitutional mandate for providing equal opportunities to all, which will increase women participation in work and enhance employment generation, and their role in nation building, exemptions from the night work prohibition for women under Article 131 of the Labor Code should be expanded.

Hence, the approval of this bill is earnestly sought.

JINGGOY EJERCITO ESTRADA
Senator

S E N A T E

S.B. No, 1958

Introduced by Senator JINGGOY EJERCITO ESTRADA

AN ACT
EXPANDING THE EXCEPTIONS FROM THE NIGHT WORK PROHIBITION OF WOMEN EMPLOYEES, THEREBY AMENDING ARTICLE 131 OF PRESIDENTIAL DECREE NUMBER FOUR HUNDRED FORTY TWO (PD 442), AS AMENDED, OTHERWISE KNOWN AS THE LABOR CODE OF THE PHILIPPINES

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

SECTION 1. Article 131 of the Labor Code is hereby further amended to read as follows:

Article 131. Exceptions. – The prohibitions prescribed by the preceding Article shall not apply in any of the following cases:

(a) In cases of actual or impending emergencies caused by serious accident, fire, flood, typhoon, earthquake, epidemic or other disasters or calamity, to prevent loss of life or property, in cases of force *majeure* or imminent danger to public safety;

(b) In case of urgent work to be performed on machineries, equipment or installation, to avoid serious loss which the employer would otherwise suffer;

(c) Where the work is necessary to prevent serious loss of perishable goods;

(d) Where the women employee holds a responsible position of managerial or technical nature, or where the woman employee has been engaged to provide health and welfare service;

(e) Where the nature of the work requires manual skill and dexterity of women workers and the same cannot be performed with equal efficiency by male workers;

(f) Where the women employees are immediate members of the family operating the establishment or undertaking;

(g) Where increasing demands for work provide equal opportunities to work at night; and

(h) Under analogous cases exempted by the Secretary of Labor and Employment in appropriate regulations.

SEC. 2. Separability Clause – If any portion of this Act is declared unconstitutional, the same shall not affect the validity and effectivity of the other provisions not affected thereby.

SEC. 3. Repealing Clause – All laws, acts, decrees, executive orders, rules and regulations or other issuances or parts thereof, which are inconsistent with this Act, are hereby modified and repealed.

SEC. 4. Effectivity Clause – This Act shall take effect after fifteen (15) days following its publication in two (2) national newspapers of general circulation.

Approved,